

**In The Matter Of:**  
*United States vs.*  
*PFC Bradley E. Manning*

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*Vol. 35*  
*August 14, 2013*  
*UNOFFICIAL DRAFT - 8/14/13 Afternoon Session*

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VOLUME XXXV  
IN THE UNITED STATES ARMY  
  
UNITED STATES  
VS.  
MANNING, Bradley E., Pfc. COURT-MARTIAL  
U.S. Army, xxx-xx-9504  
Headquarters and Headquarters Company,  
U.S. Army Garrison,  
Joint Base Myer-Henderson Hall,  
Fort Myer, VA 22211  
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The Hearing in the above-titled matter was  
continued Wednesday, August 14, 2013, at 12:30 p.m., at  
Fort Meade, Maryland, before the Honorable Colonel  
Denise Lind, Judge.

DISCLAIMER

This transcript was made by a court reporter who is not the official Government reporter, was not permitted to be in the actual courtroom where the proceedings took place, but in a media room listening to and watching live audio/video feed, not permitted to make an audio backup recording for editing purposes, and not having the ability to control the proceedings in order to produce an accurate verbatim transcript.

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1     **APPEARANCES:**

2  
3                   **ON BEHALF OF GOVERNMENT:**

4                   MAJOR ASHDEN FEIN

5                   CAPTAIN JOSEPH MORROW

6                   CAPTAIN ANGEL OVERGAARD

7                   CAPTAIN HUNTER WHYTE

8                   CAPTAIN ALEXANDER von ELTEN

9  
10                  **ON BEHALF OF ACCUSED:**

11                  DAVID COOMBS

12                  CAPTAIN JOSHUA TOOMAN

13                  MAJOR THOMAS HURLEY

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1 PROCEEDINGS,

2 Whereupon,

3 CAPTAIN DAVID MOULTON,

4 called as a witness, having been first duly sworn to  
5 tell the truth, the whole truth, and nothing but the  
6 truth, was examined and testified as follows:

7 EXAMINATION BY MR. COOMBS

8 (Due to security procedures and an early  
9 start time, the proceedings were in progress upon  
10 arrival of the Court Reporter.)

11 BY MR. COOMBS:

12 Q. Can you briefly outline what you have done  
13 in your evaluation of Pfc Manning.

14 A. So I met with him about seven interview  
15 days, a total of 21 hours, including side trips out to  
16 Leavenworth during that period. I reviewed his medical  
17 records both pre-deployment, both pre-army  
18 pre-deployment and his deployment medical records.

19 At some point I reviewed his confinement at  
20 Quantico records. It's been a long time since I  
21 reviewed those. I wouldn't consider them a basis of my

1 testimony.

2 Q. All right.

3 A. I reviewed some statements that were  
4 provided, interviews with the family points of contact  
5 and peers. But there was already sufficient groundwork  
6 for social work with Deborah Gray. I found her reports  
7 to be pretty thorough. I didn't feel need to do  
8 independent interviews again with those same people.

9 I reviewed the 15-6 evaluation. I reviewed  
10 that. I remember some of the details. Again, I don't  
11 think it's a basis of my opinion today. And reviewed  
12 school records which, yes, the school records. And I  
13 think that's the bulk of it.

14 Q. What was the purpose of reviewing prior  
15 evaluations and tests and other medical records?

16 A. I wanted to get some background regarding  
17 his prior evaluations, kind of the context which those  
18 took place, impressions regarding past diagnoses, past  
19 treatments and so forth.

20 Q. Is it common practice in your profession to  
21 review that type of material?

1           A.     Absolutely, that would be quite essential  
2     for a complete forensic evaluation.

3           Q.     Has Pfc Manning been previously evaluated  
4     by mental health professionals?

5           A.     He has.

6           Q.     Who was the first to evaluate Pfc Manning?

7           A.     The first records I reviewed were from a  
8     Dr. Coralie, who saw him a couple occasions before his  
9     18th birthday. I think that was 2005.

10          Q.     And what type of mental health professional  
11     was Dr. Coralie?

12          A.     From the notes it appears she's a primary  
13     practice doctor, like a family practitioner of some  
14     type. It didn't say on there that she was a  
15     psychiatrist.

16          Q.     Who is the next mental health professional  
17     to evaluate Pfc Manning?

18          A.     His name starts with an "M", I think --  
19     you'll have to jog my memory. Sorry.

20          Q.     Dr. Myers?

21          A.     Dr. Myers.

1 Q. Do you recall what type of doctor he was?

2 A. From my recollection that also appeared to  
3 be family practice doctor, some type of general  
4 practitioner. This was in Virginia in 2007, when he  
5 was living with his aunt.

6 Q. Did your review any other type of mental  
7 health records?

8 A. That's all he had pre-deployment that I  
9 reviewed. Sorry, pre-army. When we came out of the  
10 army, he had medical records from that. He was  
11 evaluated at Fort Leonard Wood where he did his basic  
12 training, he had an evaluation. And then he was  
13 evaluated at Fort Drum and then was evaluated in  
14 theater as well.

15 Q. What time span for the military records  
16 essentially did you see?

17 A. So, when he came in, that was 2008  
18 timeframe, I think, at Fort Leonard Wood, that he had  
19 that one-time evaluation. Then pre-deployment. So  
20 that would have been later that year. And then  
21 throughout his deployment.

1           Q.     In general, what were the major findings  
2     that you saw from those mental health records?

3           A.     Dr. Coralie found that he had anxiety and  
4     started him on Lexapro at a low dose. And then he took  
5     that for a while and went off of it. And then two  
6     years later he was living with his aunt and having  
7     increasing anxiety at that time.

8                     Some of this not is just anxiety but  
9     ability to access mental health care, some reasons for  
10    that gap.

11                    In 2007 he was reinitiated on Lexapro for  
12    the anxiety and panic attack. When he came on active  
13    duty he was no longer taking those medications. His  
14    understanding was that it was kind of under control and  
15    his recollection to me, was the discussion with the  
16    recruiter, and not uncommon that recruiters say, don't  
17    bring that up, it's fine. Technically not supposed to  
18    do that, but it appears in my experience they do that  
19    quite frequently.

20                    He was seen at Fort Leonard Wood during  
21    basic. He had been recycled due to physical problems

1 and was having some emotional difficulties at that  
2 time, was actually brought in for tantrum, rage I think  
3 the chef complaint read when he was there.

4           Appeared to be what an informal command  
5 record mental health evaluation. Didn't comment there  
6 was any attached paperwork or anything brought to  
7 mental health by his command.

8           A lot of times, type patient is willing to  
9 talk with mental health and they are voluntarily there  
10 or sometimes it's difficult to assess voluntary versus  
11 voluntold.

12           But Dr. Coralie, my recollection is, from  
13 the note was, she didn't have a diagnostic findings for  
14 him. Actually, gave him a global assessment of  
15 functioning of functioning 80, which is actually pretty  
16 high. That's what most high functioning people kind of  
17 live with a global assessment function.

18           And then he was brought again to see mental  
19 health at Fort Drum. His first visit there was for  
20 command for outbursts and terms about his mental  
21 stability. There wasn't any command evaluation paper

1 with him and they accused him, didn't do much of an  
2 assessment.

3 He walked in on his own about few weeks  
4 later after that and was having emotional difficulty  
5 and so forth. A one-time evaluation and came back  
6 after that and saw Dr. Gretch three times.

7 Initially Dr. Gretch diagnosed him with a  
8 personality disorder. Those notes kind of shy away  
9 from that. Said more traits than an actual personality  
10 disorder. And he was deployed.

11 Q. And have you recently been able to review a  
12 redacted RCM 706 --

13 A. Yes.

14 Q. When was that?

15 A. I got that document actually on the  
16 airplane, when I was on my way here.

17 Q. And have you had a chance to review that?

18 A. Yes, I reviewed that.

19 Q. How does that, along with the other medical  
20 records that you reviewed compare generally with what  
21 you found?

1           A.       They are generally very similar. Certainly  
2       their diagnoses included gender identity disorder, what  
3       is known as gender dysoria, adjustment disorder, which  
4       is certainly reasonable. He had a lot of adjustment  
5       issues. This has to do with around the time of the  
6       offenses. As well as personality disorder, not  
7       otherwise specified.

8                    It's a little different than my diagnosis  
9       as far as, I placed the gender dysoria definitely as  
10      primary there and personality disorders generally want  
11      to withhold diagnosing those while there is other  
12      active axis, major psychopathology going on, because  
13      there is a lot of abnormal personality traits will come  
14      on in the setting of untreated mental illness.

15           Q.       Doctor, let's talk about some of your  
16      interviews with Pfc Manning. You indicated that you  
17      met with him for approximately 21 hours?

18           A.       Yes.

19           Q.       How many times would that have been?

20           A.       I think we had seven meetings over five  
21      trips out there, or seven days, something like that.

1           Q.     Was this length of time sufficient to get a  
2 good and accurate evaluation of him?

3           A.     Yes, in combination with ancillary records  
4 that I had and I would add an adequate assessment  
5 period.

6           Q.     Can you explain the interview process?

7           A.     Sure. So we have a set amount of data that  
8 we need to cover for sure to try to get an  
9 understanding of the aspects of different categories of  
10 mental illness to understand his mindset, emotionality,  
11 character structure, motivations and drivers are, his  
12 personality makeup, that type of thing in context to  
13 element as well as in context to around the time of the  
14 offenses.

15          Q.     And what is the importance of the interview  
16 process in your evaluation?

17          A.     To get the information you need to answer  
18 the question for the Court for sure. And gain adequate  
19 rapport with the client in order to get the information  
20 you need while making sure that they understand the  
21 limits of confidentiality during the interview process

1 that you are not there to form alliance like a  
2 doctor/patient would have. But you want to get enough  
3 trust to where they are willing to talk with you and  
4 feel comfortable.

5 Q. Dr. Moulton, based upon the information  
6 that you were able to review, the items that you talked  
7 about, and the interview of Pfc Manning, did you reach  
8 a diagnosis?

9 A. I did.

10 Q. And what was that?

11 A. Diagnostically he has gender dysoria,  
12 otherwise known as gender identity disorder. And he  
13 had some symptoms of fetal alcohol syndrome, as well as  
14 symptoms of Aspergers. He fell short of a diagnosis  
15 there. And that he certainly had abnormal personality  
16 traits that were identified, but like I mentioned I did  
17 not diagnose him with the personality disorder due to  
18 other stressors that were going on at the time.

19 Q. Let's talk about gender dysoria. Is gender  
20 dysoria and gender identity disorder the same thing?

21 A. Essentially, yes. This spring a new

1 addition of the Diagnostic Statistics Manual, DSM, came  
2 out, DSM5, and this was one of the delays -- this  
3 diagnosis in particular was kind of debated back and  
4 forth. There were other things too.

5 They settled on gender dysoria. Gender  
6 identity disorder is still used by the ICE-10, which is  
7 the international classification of diseases. So that  
8 term is still out there and used for medical coding and  
9 so forth. But essentially diagnostically they are the  
10 same thing.

11 Q. Is gender dysoria the same thing as  
12 homosexuality?

13 A. It is not. Gender dysoria is disturbance  
14 of ones gender as in male or female. Whereas,  
15 homosexuality is an attraction to the same gender.

16 Q. What is the gender identity from a  
17 psychiatric standpoint?

18 A. Gender identity is how one identifies  
19 himself as being male or female. So it's a sense of  
20 maleness, a sense of femaleness, both biologically,  
21 both psychologically, the role in society and so forth.

1 Q. How is gender identity established?

2 A. Gender identity is established pretty early  
3 in life, within the first three years. How much of  
4 that is biologic and how much is environmental is hotly  
5 contested.

6 The consensus is not clear. Analysts have  
7 been kind of theorists and so forth for over a century  
8 have tried to explain it in ways that oftentimes raise  
9 more questions as to the how much we don't understand  
10 and how complex this issue really is.

11 Q. What type of behaviors -- well, actually  
12 what symptoms do you see in gender dysoria?

13 A. Gender dysoria is the sense that one  
14 belongs in the other gender. That they were perhaps  
15 born in the wrong gender, is a common complaint, that  
16 they should be in the other gender, more comfortable in  
17 the role of the opposite gender.

18 This is beyond just societal, typical  
19 societal stereotypes, like a man who wants to stay home  
20 and raise his kids. That would not be characteristic  
21 of that. More someone wants to be a female or a male

1 wants to be a female, they were born in the wrong  
2 gender. And then often a desire to pass as the other  
3 gender, physically change their body into the opposite  
4 gender.

5 Q. In general, you described some things but  
6 what types of behaviors are seen with someone of gender  
7 dysoria?

8 A. So often it presents early in childhood,  
9 and persons will often cross dress, they will often  
10 express their desire, children may even insist they are  
11 not the gender they were born. Play activities will be  
12 predominantly with the opposite gender.

13 As far as types of play, it's generally  
14 more stereotypical, the opposite gender, though that in  
15 isolation would not be considered part of gender  
16 identity.

17 Q. And how common is the disorder?

18 A. The consensus is there hasn't been a large  
19 epidemiologic study for quite some time. DSM sites it  
20 as between 1 and 7,000 and 1 in 30,000. There's some  
21 other studies that show it to be more frequent.

1 Generally those studies have been highly influenced by  
2 activism, however. 1 in 7,000 and 1 in 30,000 is the  
3 best accurate figure.

4 Q. And how impairing is gender dysoria?

5 A. It can be quite impairing. There have been  
6 several cases presenting hospitalization because of  
7 safety issues. Gender very much a core of our identity  
8 as individuals.

9 And when that is off keel, can use a Navy  
10 kind of term, the whole ship or your life has  
11 difficulty establishing direction and tends to wander.  
12 It can a lot of stress, significant dysoria,  
13 depression.

14 Frequently in our society oftentimes  
15 questions regarding gender are associated with a lot of  
16 shame, guilt, concern for stigmatization, retaliation,  
17 can lead to a really questioning self-identity,  
18 self-concept, self-worth those types of things.

19 Q. And what is the course of development for  
20 an adult with gender dysoria?

21 A. Well, so oftentimes you have these kind of

1 symptoms in childhood, certainly as Pfc Manning did.  
2 And as you get, one transitions to adulthood, sometimes  
3 they don't come back; sometimes they do. It can cause  
4 a lot of dysoria and questioning of your identity and  
5 existence and a desire to be the opposite gender.

6 That's as an adult usually one considers  
7 transition of some type or the other to the other  
8 gender, including opposite gender, hormone therapy and  
9 then surgical transition.

10 Q. Now apart from your diagnosis has Pfc  
11 Manning been previously diagnosed with gender dysoria?

12 A. He has.

13 Q. And when was this?

14 A. He was diagnosed with GID, which was the  
15 nomenclature at the time Dr. Worsley who saw him in  
16 Iraq.

17 Q. How does this fact factor into your  
18 diagnosis?

19 A. Certainly supports it. 706 there is a  
20 lengthily discussion similar to my thought process  
21 regarding establishing the diagnosis. Captain Worsley

1 was a busy clinician-er in Iraq, he didn't have a  
2 lengthy discussion until he reached that diagnosis.  
3 But it was good to know that he was thinking about it.

4 Q. What is a personality disorder?

5 A. A personality disorder is a pervasive  
6 longstanding maladapted pattern of behavior, usually  
7 begins early in childhood and is present consistently  
8 throughout childhood, into adulthood in ways that  
9 interfere socially and occupationally.

10 Q. And what is a personality trait?

11 A. A personality trait make up personality  
12 disorders, certainly. And were abnormal personality  
13 trait is what you are alluding to.

14 Most people have some abnormal personality  
15 traits. They tend to be more prominent under periods  
16 of stress. And if they are long acting and pervasive,  
17 and there's enough of them present, then more a  
18 diagnosis personality disorder.

19 Stress frequently brings them on, if common  
20 scenario is, when people get very tired, you might  
21 start acting out more and feel much more mood swingy

1 and act out more, irritability, those type of things,  
2 abnormal personality traits that would come out under  
3 stress, for example, not necessarily indicative of a  
4 personality disorder.

5 Q. What is the criteria for diagnosing one  
6 with a personality disorder?

7 A. There is a variety personality disorders.  
8 One of the main factors include, different types of  
9 personality disorders have different criteria that need  
10 to be met in order make that diagnosis for the  
11 personality disorder.

12 In addition to that, has to be pervasive,  
13 existing from early on in their adolescence, at least,  
14 not even prior to that. And one of the other key  
15 factors from a personality disorder is that it's not  
16 something that's better explained by something else.  
17 And that it's difficult to establish diagnosis of  
18 personality disorder, if the person is under a lot of  
19 stress, particularly from a psychiatric illness such as  
20 a depression or in this case gender dysoria or,  
21 something if they are under stress for that type of

1     thing, it's unclear, may not be symptoms, sometime it  
2     will resolve once that underlying condition is  
3     adequately treated.

4             Q.     In your clinical opinion does Pfc Manning  
5     have a personality disorder?

6             A.     I did not diagnose him with a personality  
7     disorder.

8             Q.     How certain are you about that?

9             A.     Reasonable medical certainty.

10            Q.     Why are you so sure?

11            A.     So for basis of personality disorder with  
12     Pfc Manning, lack of criteria. There is a category  
13     personality disorder, not otherwise specified where you  
14     have him kind of encapsulate various symptoms but don't  
15     meet criteria for personality disorder, but you have  
16     enough when you have occupational, social disjunction  
17     as well.

18                    But, again, for me kind hinged on this  
19     Criteria E of the diagnostic criteria, which is that it  
20     can't be better explained by something else.

21                    So, as far as the persuasiveness of

1 symptoms and so forth, I had difficulty establishing  
2 that outside of his stressors of gender dysoria. In  
3 childhood there was periods of stress that would  
4 manifest these behaviors.

5 Very high stress for a young man, alcoholic  
6 parents, period of homeliness, all sorts of stressors  
7 that absent that it would be difficult to say whether  
8 or not he would be manifesting those same type of  
9 behaviors.

10 Q. Does Pfc Manning have any personality  
11 traits that you noticed?

12 A. Yes, he definitely has abnormal personality  
13 traits that become more evident as he gets stressed.

14 Q. And what are those personality traits?

15 A. He has abnormal personality traits in the  
16 realm of narcissistic personality, borderline  
17 personality and to a lesser extent obsessive compulsive  
18 personality.

19 Q. What are the features associated with those  
20 traits?

21 A. So in the realm of narcissism he tends to

1 exhibit kind of grandiose ideas and also arrogant and  
2 haughty behaviors that become more evident when he's  
3 upset. His borderline personality realm of note for  
4 narcissistic disorder there is 9 criteria, have to meet  
5 consistently and I found he only had two of those.

6 With regard to borderline personality, one  
7 consistently and that's an identity disturbance. This  
8 is kind of to folks with gender identity issues that  
9 they have this identity, actually beyond gender.  
10 Gender is very much core to someone's personality. So  
11 that's kind have difficulties in other areas of  
12 personality identity.

13 When Pfc Manning is under a lot of stress,  
14 he does manifest more episodes or more symptoms of  
15 borderline personality, such as irritability, mood  
16 swings, acting out, even under extreme stress like just  
17 prior to the incident with Specialist Showman, suicidal  
18 behaviors and ideations.

19 Q. Was there anything notably absent in Pfc  
20 Manning's personality that would be relevant to this  
21 case?

1           A.     Yes. I did not find a lot of  
2     symptomatology consistent with anti-social personality  
3     disorder.

4           Q.     What is that?

5           A.     Anti-social personality disorder is a  
6     personality disorder where you consistently infringe  
7     upon the rights of others and you have difficulty  
8     adapting to societal norms with regard to legal  
9     behaviors and legal conduct.

10                  That, again, has to be pervasive, has to be  
11     existent prior to the age of 15 and has to be evidence  
12     of disorder conduct. I did not glean that from the  
13     interviews, the ancillary data or his personality  
14     testing didn't show any evidence of anti-social  
15     personality disorder.

16                  And also personality disorder also is very  
17     prevalent in our correctional population of males that  
18     are in correctional facilities. Two-thirds to  
19     80 percent of them have been diagnosed with anti-social  
20     personality disorder. So that is absent with him.

21           Q.     Why is that significant in your mind?

1           A.     I think it gives some indication of his  
2 motivations and his drives. It was very supportive of,  
3 you know, the things that I read and reviewed in  
4 discovery and my interviews with him that definitely  
5 shows some consistency with regard to his stated  
6 motivations are very much in line with someone who had  
7 that diagnosis. I think it was showed consistent  
8 pattern.

9           Q.     How would the personality traits and other  
10 indications of personality traits impact Pfc Manning  
11 that you saw?

12          A.     So in times of extreme stress they would  
13 become more prevalent. In particular with the kind of  
14 arrogant and haughty behaviors, with his grandiose  
15 ideations would become more prominent during periods of  
16 stress, as well as the acting out that was kind of seen  
17 in periods of time when he is on deployment, turning  
18 over tables, striking fellow soldier, things like that.

19          Q.     What is post adolescent idealism?

20          A.     So post adolescent idealism, it's a normal  
21 state of adult development that people go through

1 between, as they transition from adolescence into  
2 adulthood.

3           It's a period of time when people are more  
4 focused on, well, become focused on making a difference  
5 in the world, societal changes, things like that. It's  
6 a transition because in adulthood your -- in childhood  
7 your world is kind of small, you win contests, you're  
8 the best in your school in something.

9           As you transition into adulthood, there is  
10 a transition where you realize you are not really the  
11 best of anything perhaps. As you grow up and you learn  
12 that.

13           That transition period you still are  
14 holding on to some of that idealism from youth. And  
15 you get exposed, as you become an adult, things in  
16 society and things that you think you can make a  
17 difference, because you made a difference in your  
18 adolescence.

19           And drives a lot of activism on college  
20 campuses, even the riots that eventually throughout  
21 history have happened on campuses. Leads a lot of

1 people to the Peace Corp, all sorts of various things  
2 like that. It's a normal stage of human development.

3 Q. And how would a narcissistic personality  
4 trait impact the normal development of this phase of  
5 being idealistic or having idealism?

6 A. So along lines of the kind of grandiose  
7 sense of self-importance. And it would tend to  
8 exaggerate that some with your ability to accomplish  
9 something and make a big social impact.

10 There would be more likely to take a lead  
11 in that type of position or even act alone rather than  
12 someone with less narcissistic personality trait may  
13 join a club or become part of a group. Someone with  
14 more narcissistic kind of tendencies might lead out,  
15 take a stand on their own or even feel like they were  
16 only the one able to accomplish something.

17 Q. Are you familiar with the IM chats between  
18 Pfc Manning and Zachary Antolak, who is now going by  
19 the name of Lauren McNamara?

20 A. Yes, I reviewed them.

21 Q. Within that chat Pfc Manning states, I'm

1     trying to figure out a way to prevent a civil war the  
2     second we leave, referring to Iraq.

3                 What significance do you attach to that  
4     statement by Pfc Manning?

5                 A.     I think that leads into this kind of  
6     focused adolescent idealism and his narcissism that he  
7     felt he, as a young enlisted soldier, part of a huge  
8     organization with that goal, and he's identified that  
9     he's himself is trying to figure out a way to prevent  
10    this.

11                This ideology is very common in that post  
12    adolescent idealism where you really feel like you can  
13    make social impact. And his stance is feeling like  
14    he's the one to do that really speaks to kind of that  
15    narcissistic grandiosity.

16                Q.     Now I want to ask you few questions about  
17    Pfc Manning's gender identity disorder, now dysoria.  
18    How did that impact Pfc Manning from your perspective  
19    during the deployment?

20                A.     It was significantly stressful for him.  
21    This is a time for Pfc Manning where he was considering

1 living as a woman, considering if that was something he  
2 wanted to complete, that was evidence also in the chats  
3 that I reviewed, there were some discussion of  
4 transitioning and wanting to transition.

5 That is a great stressor in and of itself.  
6 And he was in an environment that really precluded him  
7 talking openly about those desires and so forth. And  
8 he had to kind of keep things under wraps so he could  
9 continue on a military -- a lot of stress. A sense of  
10 isolation and so forth. He didn't feel like he could  
11 talk with anyone about that comfortably.

12 And he's always characteristically been  
13 somewhat of more of the cyber world. I think it very  
14 much turned him there where he could describe those  
15 things more openly and with some anonymity.

16 In fact, talking about how there was a  
17 sense of comfort level in that kind of chat room  
18 environment, because he could be whoever he wanted to  
19 be. And anonymity, and I think phrase to me was a  
20 masquerade ball to the max. He could comfortably be who  
21 he wanted to be and not have to worry about being

1     judged and isolated.

2                     In the environment of the theater made it  
3     very difficult for him to grab hold of these things  
4     with really no one to turn to. In addition to that he  
5     doesn't have a lot of social, very limited social  
6     support to even, you know, in garrison and stateside at  
7     home. His family is not someone he turns to for  
8     emotional support. In fact, often they turn to him for  
9     emotional support.

10                    And his friends had kind of abandoned him.  
11     He was having difficulty getting hold of people that he  
12     previously could have been in touch with for help and  
13     support.

14             Q.     Did he have the ability to turn to mental  
15     health for that assistance, help and support?

16             A.     In the military?

17             Q.     Yes.

18             A.     Not really, no.

19             Q.     Why is that?

20             A.     So at that time, first of all, we are under  
21     Don't Ask Don't Tell. So you could be administratively

1 separated for even revealing he was homosexual. Gender  
2 identity disturbances are not treated in the military.  
3 In fact, they are ground for administrative separation.

4 Q. When an individual has gender identity  
5 disorder dysoria, what is the standard course of  
6 treatment for somebody who wants to be treated?

7 A. Gender dysoria is paramount to get  
8 psychotherapy regarding, as far as your gender  
9 identity, thorough understanding of establishing a  
10 pattern of, that's consistent that you wanted to be  
11 this gender, make sure you are not dealing with  
12 depression or anything else, or even psychosis, which  
13 is less common but can happen. Make sure you're  
14 dealing purely with a gender identity issue.

15 And then as you work through that and  
16 discuss what the desires of the patient would be to,  
17 oftentimes it involves some type of transition and  
18 wanting to be the other gender. It's important to take  
19 that in a very steady and calculated course. So  
20 generally people would practice living in that opposite  
21 gender role for a period of time to see if the dysoria

1 begins to lift.

2 And then as that progresses then sometimes  
3 hormonal treatments are instituted. And ultimately, if  
4 they continue to, if a patient wants or desires it,  
5 then a surgical transition.

6 Frequently people come in and they want to  
7 be the opposite gender today. And that's unwise. It's  
8 best to take it slowly. Because those surgeries are  
9 not reversible.

10 Q. Did Pfc Manning receive that treatment  
11 while in the military?

12 A. He could not.

13 Q. Did Pfc Manning eventually turn to his unit  
14 for help?

15 A. He did. Kind of the height of his  
16 emotional distress is I think is when he did send an  
17 email to Master Sergeant Adkins, when Pfc Manning went  
18 on his R&R leave in January, he spent a good portion of  
19 that time living as a woman and he sent a photograph of  
20 himself as a woman to Master Sergeant Adkins in an  
21 email.

1           Q.       Besides the gender identity disorder or  
2 dysoria, what other stressors did you see in Pfc  
3 Manning's life during that deployment time?

4           A.       So, Don't Ask Don't Tell. That made some  
5 difficulties as far as somewhat cautious who he would  
6 reveal that information to. Pfc Manning was very  
7 interested in doing his duty, as far as completing his  
8 service contract with the military. And especially was  
9 very interested in getting his GI Bill, which one of  
10 the main drivers that brought him into the military.

11                   And this for him goes beyond what would be  
12 typical for a soldier regarding how important that GI  
13 Bill was to him. Pfc Manning is quite intelligent and  
14 his desires were to get college education. He had a  
15 lot of socioeconomic limitations to getting that. That  
16 would be his primary desire would be to complete his  
17 college education.

18                   And holding on to that was very, very  
19 important to Pfc Manning. If he lost that, there would  
20 be sense of very severe despair. (inaudible) Something  
21 that was very much playing on his mind.

1           In addition, he was in a strained  
2 relationship, which I think at the time he was  
3 struggling to know what was going on with his  
4 relationship with his boyfriend.

5           Ultimately they became estranged, and that  
6 was a big source of support for him as well. And that  
7 was his first long-term relationship and that was very  
8 difficult for him to adapt to. And, you know, he's  
9 sending emails daily, sometimes several times daily  
10 with not getting responses, getting more and more  
11 distraught regarding that.

12           Then he's got his chronic stressors as well  
13 that he was still dealing with. As a young adolescent  
14 he was raised by alcoholic parents, took care of his  
15 severely alcoholic mother, who for many years, who  
16 really was very non-functional and getting very poor  
17 parenting growing up with a lot of neglect.

18           And those present a lot of issues  
19 throughout adulthood. While it's not something we will  
20 typically diagnose, per se, but it's a source of  
21 significant distress. There's large support

1 organizations for children that deal with alcoholics  
2 and so forth. Also programs that people need to do to  
3 go through years before they can begin to make progress  
4 and really heal.

5 Q. What degree from your perspective of stress  
6 did Pfc Manning have then in his life?

7 A. It was very high. Very high stress.

8 Q. And what did the stress lead to for Pfc  
9 Manning in his life?

10 A. Well, he became more isolative certainly.  
11 And really felt he couldn't reach out more. His  
12 abnormal personality traits started becoming more  
13 prominent. He was acting out his grandiose ideation.  
14 His difficulties during that post adolescent period and  
15 ultimately, when he came in contact, or he had contact  
16 with the information which he ended up releasing, you  
17 know, his decision making capacity at that point was  
18 influenced by this stress of his situation for sure.

19 Q. Dr. Moulton, have you read Pfc Manning's  
20 Providence query statement?

21 A. I have.

1 Q. Have you reviewed the charge sheet?

2 A. I have.

3 Q. And based upon what you know about Pfc  
4 Manning and the offenses, do you have an opinion,  
5 within a reasonable degree of certainty, medical  
6 certainty, as to Pfc Manning's thought process during  
7 the relevant time?

8 A. Yes.

9 Q. And what is that?

10 A. That he was under severe emotional distress  
11 at the time of the alleged offenses.

12 Q. Can you explain why that's your opinion?

13 A. Well, the degree of stressors that were  
14 upon him like we discussed. He was having a lot of  
15 difficulty. He was highly stressed. He had been  
16 having acting out incidences in the SCIF, you know,  
17 just prior after, kind of one of the ultimate things is  
18 him curled up in a ball with a Gerber knife, and  
19 shortly thereafter struck a fellow soldier. That was  
20 kind of leading up to that. His stressors were pretty  
21 prominent and progressive throughout the course of his

1 deployment.

2 Q. Did Pfc Manning have the ability at that  
3 time to appreciate the wrongfulness of his actions?

4 A. He did.

5 Q. Even though he could appreciate the  
6 wrongfulness of his actions, was there a reasonable  
7 explanation for his actions based upon what you saw?

8 A. Yes.

9 Q. And what is that?

10 A. As he was very stressed out, and did not  
11 have a lot of people to turn to, either at the unit and  
12 not getting response from his peers back home, he  
13 became, I think, very enthralled in this idea that the  
14 things that he was finding were injustices that he felt  
15 morally to right, very in line with his belief system,  
16 as far as righting wrongs, when he sees them, and  
17 trying to balance obligations that he's taken on.  
18 Because he knew he had an oath to his job as a soldier,  
19 but also saw this as something that conflicted, as far  
20 as his ideology as well, trying to balance those  
21 things.

1                   Very limited resourcing to where he felt he  
2   could or had people that he could turn to and talk to.  
3   During our discussions, for example, he discussed his  
4   friend Danny Clark, who he really trusted, really  
5   looked up to and was unavailable to him and couldn't  
6   get in contact with him.

7                   And he very much felt in hindsight had he  
8   been able to talk with Danny Clark about these  
9   frustrations and these moral kind of dilemmas he was  
10   facing and -- that that might have prevented these  
11   acts. Because he really trusted, you know, he felt  
12   like if Danny told him not to do that, he definitely  
13   wouldn't have done that.

14                  He definitely wished he had somebody he  
15   could talk to during that period where he was  
16   struggling morally with these decisions.

17                  Q.     Now did you review the chat conversation  
18   between Pfc Manning and Adrian Lamo?

19                  A.     I have.

20                  Q.     And how did you view this conversation?

21                  A.     He was very much reaching out. He wasn't

1     sure if he was definitely reaching out, as far as  
2     someone to talk to and emotional support, his question  
3     with his sexuality, his gender identity, as well as  
4     kind of themes throughout, really kind of reaching out  
5     towards someone to look for some emotional support.

6                 Regarding things he had released, kind of  
7     his thought process behind what he was doing and so  
8     forth was kind of evident and the moral obligation he  
9     was kind of feeling at the time.

10                Q.     And on most occasions Pfc Manning conducted  
11     searches for information on the leaks that he had  
12     provided to WikiLeaks. How do you interpret that  
13     conduct?

14                A.     Well, Pfc Manning was under the impression  
15     that his leaked information was going to really change  
16     how the world views the wars in Afghanistan and Iraq,  
17     and future wars actually.

18                This was an attempt to kind of crowd source  
19     an analysis of the war. And it was his opinion that if  
20     through crowd sourcing that enough analysis was done on  
21     these documents, which he felt to be very important,

1     that it would lead to greater good, that society as a  
2     whole would come to the conclusion that the wars  
3     weren't worth it, that really no wars are worth it.

4                 He talked to me a lot of about war gaming  
5     on different situations, something I don't totally  
6     understand. But basically through crowd sourcing  
7     enough analysis, which is true with other things,  
8     definitely solved a lot of problems in society with  
9     crowd sourcing for sure.

10                So his monitoring of the traffic I think  
11     was to see if this was, in fact, being done, which is  
12     what his goal was, to get this out there for the public  
13     to be able to see, view, analyze and come to similar  
14     ideas that he had.

15                So I think he was just trying to see what  
16     the impact was towards his efforts, as far as getting  
17     out there to be utilized by the people.

18                Q.     Now what degree of stress -- well, actually  
19     the degree of stress that he was experiencing at that  
20     time in your estimation, how did that influence his  
21     thought process?

1           A.     I think it definitely impaired it. So he  
2 was, again, he's got this idealistic thing, he's got  
3 this little world that he has become more and more  
4 isolative in.

5                     I think it really impaired his ability to  
6 think beyond more broadly about the significance of  
7 what he was doing, the significance of what he was  
8 releasing, which in reality hasn't had near the impact  
9 that he hoped with regard to ending all war.

10                    It was more apt to put him very narrowly  
11 focused in this kind of post adolescent idealistic kind  
12 of cause, very hyper focused on this cause he was  
13 involved and he had difficulty thinking about anything  
14 else.

15           Q.     What level of understanding does Pfc  
16 Manning have of his personality traits?

17           A.     Relative -- it's mostly people with  
18 abnormal personality traits don't have a lot of insight  
19 into that. He does have some recognition that he has a  
20 temper and can have a temper when he gets upset.

21                    You know, as far as like his psychological

1 understanding, specifically where that lies and so  
2 forth, it's about average, maybe a little bit above  
3 average of typical people who have abnormal personality  
4 traits. If we have a lot of insight, probably would  
5 stop doing things we do.

6 Q. What about the post adolescent idealistic  
7 phase. What understanding does he have of that?

8 A. I couldn't tell you for exact certainty  
9 unless he specifically had a course in adult  
10 development. I don't know that that would be on his  
11 radar. A lot of times when people are in that phase,  
12 they don't know they are in that phase. It usually  
13 takes an outsider to identify that for them.

14 Q. And what about the connection with GIB, how  
15 did that impact self-awareness, what his thought  
16 process was?

17 A. It certainly added to his stress. Like I  
18 mentioned, gender is the main core of identity that  
19 often leads to identity in other things. This was  
20 evident in some of the ancillary interviews that were  
21 done with friends -- Dr. Gray was that Bradley really

1    hadn't entirely figured out what his role in the world  
2    was going to be or what he wanted to be.

3                    He had some grandiose ideas about being  
4    President of the United States since he was 13 and  
5    wanted to make a big difference in computer programming  
6    and wanted to do physics, and he has a broad array of  
7    interests.

8                    But, as far as what he was to become or  
9    what he wanted to do, he knew he wanted to do something  
10   great, but wasn't sure what that would be. He was  
11   definitely struggling to find himself, as far as his  
12   identity and so forth.

13                   I think that impaired his ability to really  
14   rationally think through of the consequences of what he  
15   was doing. He underestimated how much trouble he would  
16   get in for sure. Thought he would be separated from  
17   the military or worst case scenario, which is a gross  
18   underestimate.

19                   Certainly any political aspirations that he  
20   might have, this would seriously impair that. But he  
21   was hyper focused at the time and not thinking really

1 beyond the box. And just focused with, okay, this is  
2 the situation and really relying on his morals and his  
3 ideologies and dealing with that without looking at the  
4 big picture -- like I'm faced with this. I feel this  
5 way. This is wrong. I need to make it right, and  
6 underestimated how much everything else in his life  
7 might matter, as a result or change, as a consequence  
8 of his actions.

9 Q. What are you most sure about Pfc Manning in  
10 terms of his personality?

11 A. He's very consistent, which is something  
12 that was important, I think, as far as the statements  
13 he's made, conversations and interviews all fit in with  
14 his system of beliefs, his personality structure during  
15 my interview.

16 There wasn't a lot of -- well, that seemed  
17 out of place. That doesn't seem out of place. It's  
18 been very consistent.

19 MR. COOMBS: Thank you, Doctor.

20 THE COURT: How long are you going to need?  
21 And, once again, estimate with an idea that we're not

1 going to have 15 increment delays.

2 CAPTAIN von ELTEN: 90 minutes, Your Honor.

3 THE COURT: All right. So why don't -- we  
4 do this. It's almost a quarter to two. Why don't we  
5 come back at -- I'm sorry. 1:35. So if we come back  
6 at --

7 CAPTAIN von ELTEN: 1500.

8 THE COURT: All right. Dr. Moulton, please  
9 don't discuss your testimony with anyone during the  
10 recess. And the Court is in recess then until 1500.

11 (Brief Recess)

12 THE COURT: Court is called to order. The  
13 record will reflect all parties present when the Court  
14 last recessed are again present in Court. The witness  
15 is on the witness stand. Is the Government ready to  
16 proceed?

17 CAPTAIN von ELTEN: Yes, Your Honor.

18 THE COURT: Is there anything we need to  
19 address before we proceed?

20 MR. COOMBS: No, Your Honor.

21 EXAMINATION BY CAPTAIN VON ELTEN

1 BY CAPTAIN von ELTEN:

2 Q. On direct you talked about the separation  
3 process for a service member with gender identity  
4 disorder and gender dysoria?

5 A. Correct.

6 Q. Sir, does service member who has gender  
7 dysoria receive an administrative separation?

8 A. Typically that is correct.

9 Q. Does that mean he receives an honorable  
10 discharge?

11 A. Yes, as long as there wasn't any other  
12 reason not to give him an honorable discharge.

13 Q. So with an honorable discharge does a  
14 service member keep all benefits that have already  
15 vested?

16 A. Yes.

17 Q. So if a service member has three years of  
18 service, he gets to keep his GI benefits with an  
19 honorable discharge?

20 MR. COOMBS: Objection, Your Honor.  
21 Foundation for this.

1 THE COURT: First of all, do you know?

2 THE WITNESS: I don't know that --

3 THE COURT: All right. Move on.

4 BY CAPTAIN von ELTEN:

5 Q. Sir, I want to clarify one thing you  
6 testified on direct. You testified that Pfc Manning  
7 had two narcissistic personality traits?

8 A. Consistently, yes. Under duress he would  
9 have more that become manifested.

10 Q. And the first one was grandiosity?

11 A. That's correct.

12 Q. Was the second one arrogance and  
13 haughtiness?

14 A. Correct.

15 Q. Sir, you met with Pfc Manning on the first  
16 time on October 2011?

17 A. Yes.

18 Q. So, the first time you met him was after he  
19 was accused of compromising classified information?

20 A. Yes.

21 Q. You also testified about post adolescent

1 idealism?

2 A. Yes.

3 Q. What is the age range for post adolescent  
4 idealism?

5 A. Its a phase of adult development, early  
6 adult development, adolescent development, so anywhere  
7 between 18 to 24 generally is when those kind of ideas  
8 start coming forward.

9 Q. Sir, about how many 18 to 24 year old  
10 adults go through a post adolescent idealistic phase?

11 A. I think many and varying degrees are  
12 another reasonable percentage. It's common. It's  
13 considered normal development.

14 Q. Let's talk a little about Pfc Manning's  
15 awareness of his effects of his misconduct. Sir, you  
16 reviewed the chat logs between Pfc manning and Adrian  
17 Lamo?

18 A. I have.

19 Q. Does Pfc Manning show awareness of the  
20 effects of this misconduct in those chats?

21 A. In some fashion, yes.

1           Q.     Sir, does Pfc Manning's comment about the  
2 recall of the U.S. Ambassador from Iceland show he  
3 understood the effect of the cable he compromised?

4           A.     Yes, it would.

5           Q.     And, sir, does Pfc Manning's comment that  
6 Secretary Clinton would have had a heart attack show  
7 that Pfc Manning was aware his misconduct was having  
8 wide ranging effects?

9           A.     Definitely manifest the Secretary of State  
10 wouldn't be happy with what he did.

11          Q.     And finally, sir, does Pfc Manning's  
12 comment that he had made a mess demonstrate that he  
13 knew his misconduct was illegal?

14          A.     I think there's no question he knew what he  
15 was doing was illegal.

16          Q.     And, sir, in the course of his discussion  
17 consequences of in his misconduct, does he note any  
18 positive effects?

19          A.     I don't remember specifically if those are  
20 in there or not, honestly.

21          Q.     Sir, do you believe personal recognition

1 was a factor that motivated Pfc Manning's misconduct?

2 A. I don't think that was his driving factor,  
3 no. As far as -- from my assessment of personality I  
4 wouldn't say that would be one of the leading factors  
5 of what he was doing. In fact, his being cautious in  
6 many respects was to maintain his anonymity.

7 Q. And caution shows a reasonable decision  
8 making process?

9 A. Yeah; sure.

10 Q. But would you say personal recognition --  
11 you said it didn't play a major factor. Would you say  
12 it played any factor at all?

13 A. It would be tough to say any at all.  
14 That's an extreme of -- I don't know if I would say  
15 that.

16 Q. Sir, would you agree that Pfc Manning  
17 conducts for certain topics exhaustive research?

18 A. Well, sure, as an analyst that's his job,  
19 right.

20 Q. Needs to be very deliberate and  
21 calculating?

1           A.       Sure.

2           Q.       Sir, assuming Pfc Manning researched who  
3       Adrian Lamo was and Pfc Manning, assume Pfc Manning  
4       knew Adrian Lamo was a hacker, was Pfc Manning seeking  
5       recognition and validation when he talked to Mr. Lamo  
6       and told Mr. Lamo that Pfc Manning had a relationship  
7       with Julian Assange?

8                   MR. COOMBS:  Objection, Your Honor.  
9       Compound.  I'm not sure I follow that question.

10                  THE COURT:  Well, does the witness follow  
11       it?

12                  THE WITNESS:  Not entirely.  If you could  
13       break it down.

14       BY CAPTAIN von ELTEN:

15           Q.       So the assumption is that Pfc Manning has  
16       researched Mr. Lamo as a hacker?

17           A.       Yes.  He was familiar with who Adrian Lamo  
18       was.  He did research on him.

19           Q.       Was he seeking recognition and validation  
20       from Mr. Lamo when he said, I have a relationship with  
21       Julian Assange?

1           A.     I don't know recognition. Definitely he  
2 was looking for validation about what he did. There is  
3 some evidence that he felt he created a mess and he had  
4 some thought process at that time to ensure in his own  
5 mind if he had done the right thing by his moral  
6 standards. And I think he was looking for validation  
7 from Adrian regarding that.

8           Q.     When was the last time you spoke with Pfc  
9 Manning professionally?

10          A.     It's been over a year. I left active duty  
11 in July of last year. It was prior to that. Probably  
12 a month or two. Maybe even more.

13          Q.     Sir, in your professional opinion, and  
14 based on your experience of Pfc Manning, do you believe  
15 he would commit a misconduct again?

16                 MR. COOMBS: Relevance.

17                 CAPTAIN von ELTEN: Goes to rehabilitation  
18 under RCM 1001(b)(5).

19                 THE COURT: All right.

20                 THE WITNESS: Recidivism assessment is an  
21 assessment that I did not formally do. That's usually

1 a separate full evaluation. It would be very difficult  
2 for me to answer that with any degree of reasonable  
3 medical recently certainty based on that. Recidivism  
4 evaluation is usually a separate evaluation.

5 BY CAPTAIN von ELTEN:

6 Q. Sir, assuming Pfc Manning in the future  
7 would see something that violated his sense of  
8 morality, would he take action to correct that?

9 A. I don't know if he would. I think  
10 historically Manning has been pretty true to his  
11 principles.

12 CAPTAIN von ELTEN: Thank you.

13 MR. COOMBS: No redirect.

14 THE COURT: I have a few questions for you.  
15 You spoke at the beginning of your testimony about  
16 there were two different approaches that you had, your  
17 advocate for the patient and where you are doing a  
18 forensic evaluation for the court.

19 In your testimony today which hat are you  
20 wearing or a combination of both?

21 THE WITNESS: Not a combination of both. I

1 have a doctor/patient relationship with Pfc Manning.  
2 I'm advocating to my observations and my opinion but  
3 I'm not advocating for him specifically.

4 THE COURT: So what you testified today in  
5 preparation for it did you do it like you would do for  
6 an evaluation, if you were asked to do an evaluation by  
7 a Court.

8 THE WITNESS: Yes, ma'am, absolutely.

9 THE COURT: You also testified earlier  
10 about someone with gender dysoria. You don't want to  
11 move quickly in those cases because the gender dysoria  
12 might lift. Does it lift?

13 THE WITNESS: It doesn't lift, per se. I  
14 assume I am supposed to talk in the microphone. A lot  
15 of times people want to stop short of full transition  
16 to the opposite gender. The surgeries are not exact by  
17 any stretch and a lot of times people decide they don't  
18 want to proceed surgically.

19 It's important to make sure that before  
20 they go that route, because it's not something easily  
21 reversed, honestly not reversible at all. But that's

1 very clear and they spend a period of time living in  
2 that other gender role. They know what they want to  
3 do. If they want to choose to stop short of surgery  
4 and just dress as a female or take hormones or anywhere  
5 along that line, that they have -- don't make any  
6 decisions that are irreversible until they know for  
7 sure.

8                   That's where I mean proceed cautiously and  
9 slowly. And also make sure there are other factors are  
10 clearly out of the way. So sometimes there's times  
11 exploring childhood experiences and some psychodynamic  
12 therapy that often takes place before a decision is  
13 made and made confident that that's what they want to  
14 do as far as transitioning gender.

15                   But the dysoria, it can lift as they try to  
16 understand things they decide, okay, I want to dress as  
17 a female, remove my secondary facial hair and things  
18 like that. I want to take hormones, but surgically I  
19 want to stop short because I looked at the outcomes and  
20 I'm comfortable where I am and, hey, I think that works  
21 and things like that. So the decision should be made

1 over time with intense psychotherapy.

2 THE COURT: Just clarify something for me.  
3 Did you have any testimony about whether Pfc Manning  
4 had anything about Autism.

5 THE WITNESS: Pfc Manning has some features  
6 of Aspergers, which falls under the pervasive delay  
7 spectrum, mostly with his ability to pick up on social  
8 cues and misreading social interactions. That was  
9 prevalent through the peer interviews, family  
10 interviews. He's always had a lot of difficulty  
11 picking up on social skills, and that is common in the  
12 Aspergers.

13 His sister particularly I think pointed out  
14 probably as best where he would just really try to hard  
15 to fit into a social situation or conversation and  
16 insert himself, it was awkward, people would make fun  
17 of him and he would shy back and make him more  
18 isolative. This was prevalent in adulthood.

19 It falls short of Aspergers for sure. He  
20 doesn't at baseline have any stereotypes, which are  
21 the repetitive movements. Now those can come out under

1 duress, for example, in the incident where prior to  
2 striking Specialist Showman, was found to be rocking.  
3 And rocking is a common stereo tippy.

4 THE COURT: What is a stereo --

5 THE WITNESS: Stereo tippy is a repetitive  
6 or stereotypical movement. So rocking, for example, in  
7 autism is a very stereotypical movement where a person  
8 will rock back and forth. And if you would fall short  
9 of that diagnosis, sometime you have the stereo tippy  
10 like that, but not routinely enough.

11 Regarding, if I may, I mentioned something  
12 about fetal alcohol. Did you want me to comment on  
13 that?

14 THE COURT: Yes.

15 THE WITNESS: Okay. I know I'm not  
16 supposed to ask questions. Regarding fetal alcohol  
17 syndrome, he was exposed to a significant amount of  
18 alcohol in utero by his mother, who was quite a severe  
19 alcoholic and did not know or reveal that she was  
20 pregnant to anyone until the second trimester, near the  
21 third trimester, almost six months, and was drinking

1 quite heavily in those first six months of pregnancy.

2 Continued to smoke throughout the pregnancy.

3 He was born significantly underweight. He  
4 was just over 6 pounds. Although that was a full term  
5 birth as well. And he has facial features of fetal  
6 alcohol syndrome.

7 In addition to his small stature. He lacks  
8 a vermillion border, which is -- well, the thin  
9 vermillion border, which is the upper ridge of the lip  
10 common characteristic of fetal alcohol, as well as the  
11 fore antrum, which is this groove from the nose to  
12 upper lip.

13 And that is minimal, which is also common  
14 facial features. In meeting Pfc Manning, that is one  
15 of the first things I picked up. Also mentioning that  
16 in the 706 when met him, facial features.

17 Regarding his intellect, I didn't do that  
18 until was -- 706, some of his intelligence findings  
19 also could be suggestive kind of pattern of fetal  
20 alcohol. His intelligence, as far as acquisition of  
21 knowledge, book knowledge is quite high. But

1     comparatively his ability to apply that knowledge into  
2     logical and rational outcomes is much lower than would  
3     be expected for someone with his given intelligence.

4                 THE COURT: Thank you. Any follow up based  
5     on that?

6                 MR. COOMBS: No, Your Honor.

7                 CAPTAIN von ELTEN: No Your Honor.

8                 THE COURT: All right. Dr. Moulton, you  
9     are temporarily excused. Please don't discuss your  
10    testimony or knowledge of the case with anyone other  
11    than counsel or the accused while the trial is still  
12    going on.

13                (Witness Excused)

14                MR. COOMBS: Your Honor, the Defense calls  
15    Ms. Casey Major Manning to the stand.  
16    Whereupon,

17                         CASEY M. MANNING,  
18    called as a witness, having been first duly sworn to  
19    tell the truth, the whole truth, and nothing but the  
20    truth, was examined and testified as follows:

21                         EXAMINATION BY MR. COOMBS

1 BY MR. COOMBS:

2 Q. Casey, How long have you lived in Oklahoma  
3 City?

4 A. I have been back in Oklahoma City about 7  
5 years.

6 Q. And are you married?

7 A. Yes.

8 Q. And what does your husband do for a living?

9 A. He is a tax attorney and CPA.

10 Q. How many children do you have?

11 A. I have two.

12 Q. What are their ages?

13 A. I have a three old daughter and a one year  
14 old son.

15 Q. And do you work outside the home?

16 A. I am full time stay-at-home mom.

17 Q. So you work hard.

18 A. Yes.

19 Q. Casey, you are Brad's sister?

20 A. Yes.

21 Q. And my understanding is that you were born

1 in 1976?

2 A. Yes.

3 Q. In December of 1976?

4 A. Yes.

5 Q. And your parents were married in July of  
6 1976?

7 A. Yes.

8 Q. I want to ask you a few background  
9 questions about your parents, okay?

10 A. Okay.

11 Q. Can you tell us about your mother's family,  
12 just in general?

13 A. She has a large family. I think it was  
14 like one of nine. She has a bunch of sisters and a  
15 brother. And, of course, we have cousins and  
16 everything. It's a large family. They are over there  
17 in the United Kingdom in Wales.

18 Q. And did your mother ever learn to read or  
19 write?

20 A. I know she can read. I'm not too sure  
21 about the writing part. I have seen her write her name

1 before and maybe one or two words, but nothing  
2 extensive.

3 Q. Can you tell us about your father's family?

4 A. My dad's family is a little bit smaller.  
5 He has or had, one of his brother passed away, two  
6 brothers and then an older sister.

7 Q. Did either of your parents have a problem  
8 from your perspective have a problem with alcohol?

9 A. Yes. Both of them.

10 Q. When was the first time that you were aware  
11 that either one of them had a problem with alcohol?

12 A. Well, growing up, you know, when you're  
13 around all the time you kind of think it's normal, so  
14 probably 12 or 13, 14 is when it started to dawn on me  
15 that they had a problem with alcohol.

16 Q. And what would your mother drink?

17 A. My mother would drink hard liquor usually  
18 mixed with Coke Cola, something like that, usually rum  
19 or vodka. If you put vodka in certain drinks, you  
20 can't smell it. So usually it was rum and coke or  
21 vodka and something else.

1 Q. How often have you seen your mother drunk?

2 A. Too many to say.

3 Q. From your perspective how often would your  
4 mother be drunk?

5 A. At least every day.

6 Q. And what about your father?

7 A. My dad, during the week I would say he was  
8 a functional alcoholic. He would drink at night but  
9 not to the point where he wouldn't be able to get up  
10 for work the next day. So I mean -- and on weekends he  
11 would drink harder, you know, the weekend to relax,  
12 wouldn't have to go to work. But I know my mom was  
13 full of it -- obviously harder drinker.

14 Q. An how would alcohol affect your mother  
15 from your perspective?

16 A. Well, she was very social, very friendly at  
17 the beginning. And then, as the evening wore on, or  
18 the day and evening wore on, she became more sad,  
19 depressed. She would call friends late at night to  
20 talk.

21 Q. And what about in the morning?

1           A.     In the morning, when she got up, usually it  
2     was midmorning or lunchtime. And she was mean, very  
3     mean -- yelled, screamed at you to get her cigarettes.  
4     I mean she would yell from the other room to get her  
5     cigarettes or make her a cup of tea or something like  
6     that. I assume it's because she had a hangover.  
7     That's why she was so mean.

8           Q.     How would alcohol affect your father?

9           A.     He was pretty jovial and then get a little  
10    bit, probably a little bit more quiet.

11          Q.     When would your mother start to drink  
12    during the day?

13          A.     Probably -- it seemed like it was  
14    lunchtime, noon-ish, 11-ish. It usually started off  
15    pretty early. Just depended on the day. Usually it  
16    was pretty early.

17          Q.     And once your mother started drinking on a  
18    particular day, did she stop?

19          A.     Not that I recall. It was continuous until  
20    she passed out or went to bed.

21          Q.     When did you find out your mother was

1 pregnant with your little brother Brad?

2 A. We went on a trip to California to visit my  
3 aunt. It was my cousin's first birthday. So it was  
4 May, end of May of 1987, and he was born in December.

5 Q. Was your mother drinking alcohol at the  
6 time?

7 A. Yes.

8 Q. And did your mother continue to drink  
9 alcohol after she found out she was pregnant?

10 A. Yes. But not as much from what I can  
11 remember.

12 Q. Do you recall how far along your mother was  
13 at the time she found out she was pregnant?

14 A. Let's see -- at least through the first  
15 trimester. I'm assuming, I wasn't there, but I'm  
16 assuming the conception was sometime in March. So if  
17 he was full term in December, then conception in March.  
18 So April, May, June -- we came back in June. That  
19 would have been the end of her first trimester,  
20 beginning of her second trimester. We got off the  
21 airplane and my dad had commented to my mom that it

1 looked like she had put on weight.

2 Q. Do you recall how long after that she found  
3 out she was pregnant?

4 A. I don't. I just think, you know, because I  
5 was 10, so I don't remember exactly when I was told  
6 that she was expecting. But it was sometime then --  
7 maybe later.

8 Q. How old were you when Brad was born?

9 A. He was born on my 11th birthday.

10 Q. Who took care of your brother when he was a  
11 baby?

12 A. My mom. But mostly me if, you know, she  
13 couldn't or wouldn't get up. In the middle of the  
14 night I would get up and make a bottle, change a  
15 diaper, rock him back to sleep. When I was, you know,  
16 I was there so --

17 Q. And why were you having to do that?

18 A. My mom wasn't getting up. My dad wasn't  
19 getting up.

20 Q. Was that due to the alcohol?

21 A. I'm assuming, yes. I mean, if she was in

1 the living room drinking, and she was conscious, she  
2 would attend or, you know, if I was awake and he was  
3 trying, she would direct me to go take care of my  
4 brother.

5 Q. Did things improve as your brother got  
6 older with your mother's drinking?

7 A. No.

8 Q. Who would take care of your brother as he  
9 got older?

10 A. I would when I wasn't at school. If I was  
11 home, I took care of him. We moved the summer of 1988,  
12 so he was about six months old. And that whole summer  
13 I took care of him. I remember we were staying at a  
14 hotel because my dad was changing jobs and we moved and  
15 my mom wasn't getting up until, you know, 1:00 or 2:00,  
16 and then, when she got up, I was excited because I  
17 could go swimming in the swimming pool for a bit.

18 Q. Now you said you moved. Where were you  
19 living before you moved?

20 A. We lived in Crescent. Then we moved to  
21 Arizona, to Phoenix, and we were staying at a hotel.

1 We stayed there for about a month. And then we moved  
2 into a rental house.

3 Q. And how long did you live in Phoenix?

4 A. We lived in Phoenix -- we moved in Phoenix  
5 the summer of 1988 and we came back just before Brad's  
6 first birthday. So I think that was December of '91.

7 Q. And when you say Crescent, is that  
8 Crescent, Oklahoma?

9 A. Yes.

10 Q. When you say you came back, was that back  
11 to Crescent?

12 A. Yes.

13 Q. Now with regards to Crescent, where were  
14 you living at in Crescent, Oklahoma?

15 A. We were four miles north and four miles of  
16 the city of Crescent. We were in a relatively rural  
17 area.

18 Q. Did you have any neighbors where you lived?

19 A. The closest neighbor was a fourth of a mile  
20 away. But then other neighbors were further out.

21 Q. When did you learn to drive?

1           A.     16 or 15 and half. Well, legally. I  
2 learned to drive when I was 11.

3           Q.     All right. And did your mother ever learn  
4 to drive?

5           A.     No.

6           Q.     Do you know why not?

7           A.     I don't think she had the desire to. We  
8 had put her behind the wheel a few times. But she got  
9 real nervous because you are driving around on a dirt  
10 rode. She got real nervous so we just kind of pulled  
11 off and -- she just didn't want to drive. It just made  
12 her nervous.

13          Q.     How would you describe Brad's childhood up  
14 to the point where you are about 15-16?

15          A.     From birth to 15-16?

16          Q.     No. At the time that you are about 15-16?

17          A.     Okay. So if I'm 15, minus 11, he was  
18 4-ish. Happy kid, you know, played outside quite a  
19 bit. He had little trucks that he would play in the  
20 dirt and running around.

21          Q.     Did he have a lot of playmates?

1           A.     Not at that time. Because we were back in  
2     Oklahoma. When we lived in Phoenix, when he was  
3     younger, before the age of 3, my mom babysat some other  
4     children and he was able to play with them a little  
5     bit. But I was his primary playmate when he was  
6     little.

7           Q.     Did there come a time when you moved out of  
8     the house?

9           A.     Yes.

10          Q.     How old were you?

11          A.     I was 18 and a half.

12          Q.     Why did you move out of the house at that  
13     point?

14          A.     I had a disagreement with my dad.

15          Q.     Where did you go?

16          A.     I moved in with a friend for a little bit  
17     and then I got my own apartment.

18          Q.     What were you doing during this time  
19     period, the period when you moved out?

20          A.     I was going to school and working.

21          Q.     Did you see your brother much during this

1 time period?

2 A. No, I did not.

3 Q. And why not?

4 A. I had a falling out with my dad, so I  
5 didn't want to be around my dad or my mom. I missed my  
6 brother terribly, but I just didn't want to be around  
7 my parents.

8 Q. And how old was Brad at this time, when you  
9 moved out?

10 A. I think he was -- he would have been 8.

11 Q. With regards to your dad, what type of job  
12 did he have?

13 A. Originally he was a computer programmer.  
14 Then he became project leader, project manager for --  
15 in computers mostly.

16 Q. What company did he work for?

17 A. Hertz Corporation.

18 Q. Did his job involve a lot of travel?

19 A. Yes, later on. As Brad got older, there  
20 was more travel.

21 Q. Now when you were out of the house and if

1 your dad was traveling at all, who was taking care of  
2 your brother?

3 A. My mom.

4 Q. And do you know if your mother cooked for  
5 your brother?

6 A. I remember we had a Fry Daddy and Brad  
7 liked fried foods. So she would fry some foods for him  
8 periodically. But mostly what he had were the kids  
9 cuisine things that you pop in the microwave. So she  
10 would cook those.

11 Q. Did you ever move back into the house?

12 A. I did.

13 Q. And when was that?

14 A. I think it was the summer of '98.

15 Q. Why did you move back in the house?

16 A. My dad had contacted me, because my dad and  
17 mom were not getting along. And he thought it would be  
18 easier to have me come and help out with, you know, my  
19 mom and my brother. But I think I was just being set  
20 up.

21 Q. Why do you say that?

1           A.     I think I was being set up by my dad so he  
2 could leave.

3           Q.     And did you move back in?

4           A.     I did.

5           Q.     And did your dad move?

6           A.     Yes.

7           Q.     How did this impact your mother?

8           A.     My mom -- my dad told my mom he was leaving  
9 and my mom took a bottle of Valium, a full bottle of  
10 Valium. And then she was drinking heavily at that  
11 time, took a full bottle of Valium. And then she woke  
12 me up in the middle of the night and told me that she  
13 had done it to kill herself. So I called Poison  
14 Control and they told me to take her to the nearest  
15 hospital.

16          Q.     And what happened?

17          A.     I woke my dad up and then woke Brad up.  
18 And told him we needed to take her to the hospital.  
19 It's a rural area, so the ambulance would have taken  
20 way too long to get there. So we just went.

21                 And got to the car. My dad tried to get in

1 the front seat and I told him, I said, no, you need to  
2 get in the back to make sure she is breathing and check  
3 her pulse and make sure she's breathing. He said, no,  
4 that he didn't want to sit back there.

5 So, unfortunately my 12 year old brother  
6 had to go back there and make sure his mom was still  
7 breathing the car ride over. And my dad didn't want to  
8 drive because he had been drinking. So I had to drive.

9 Q. What happened to your mother?

10 A. My mom -- we got to the emergency room.  
11 They had her stomach pumped and then she was admitted  
12 into the psychiatric ward.

13 Q. How long did she stay there?

14 A. Best I can recall, a week.

15 Q. And how did your father respond at this  
16 time?

17 A. He left.

18 Q. And how was your mother during this time?

19 A. Well, I visited her once in the psychiatric  
20 ward. Had to drop off some toiletries and that sort of  
21 thing. She seemed like she was doing better when she

1 was in there.

2 Q. When your mother was released from the  
3 psychiatric ward, what happened to her?

4 A. She came back. They had put her on Paxil,  
5 which is a, from my understanding, an antianxiety  
6 medication and things were okay. I was making sure she  
7 was taking her medication for about a week and then it  
8 got bad again.

9 I was trying to go to class or work. And  
10 then anytime I would try to leave, she would tell me,  
11 if I left, she was going to kill herself.

12 Q. And how often did your mother threaten to  
13 kill herself?

14 A. It was every day.

15 Q. What would you do when she did that?

16 A. Well, I tried to stay there and not go to  
17 class and call in sick to work as much as I could. I  
18 missed a lot of class. I ended up having to go to the  
19 school and talk to them. And they luckily were nice  
20 enough to let me withdraw without penalty for my  
21 classes.

1                   And then it got to get to the point where I  
2 ended up, she was just planning to kill herself so many  
3 times, telling me she was going to kill herself so many  
4 times, I ended up just -- I had to leave. I had to  
5 work. So I just left her.

6           Q.       When you left, where did you go?

7           A.       When I went to -- I just went to work  
8 first.

9           Q.       Where was Brad when you went to work?

10          A.       Brad was either at school or depending on  
11 the day of the week.

12          Q.       And during this time was your mother  
13 drinking?

14          A.       Yes.

15          Q.       And would your mother ever become violent  
16 when she was drinking?

17          A.       Yes, with me.

18          Q.       And how so?

19          A.       One night she had been drinking heavily. I  
20 don't remember what the argument was, but she had come  
21 at me. And I put up my hands defensively and kind of

1 pushed her. And she's not very big. She's little.  
2 And when I pushed her, since she was so drunk, she fell  
3 over. And because I thought she was going to hit me.  
4 She was going to attack me. She came at me.

5 So I kind of pushed her away. She fell and  
6 hit her tailbone. And she was laying on the floor.  
7 And I turned and Brad was right there. He had seen the  
8 whole thing.

9 And I told him to go back to bed. And I  
10 asked her if I could put her in bed. She's screaming  
11 profanity at me, saying to leave her there, don't touch  
12 me. So I got the blanket off her bed and threw it on  
13 her. And then I told Brad, I said, just leave her, you  
14 know, she doesn't -- I tried to call an ambulance. She  
15 said, no. I just left her.

16 I went back up in my room, because my room  
17 was on the second floor and his room was on the first  
18 floor, told him, just leave her be. And then just a  
19 few minutes later I could hear her calling Brad --  
20 Brad. And Brad had gone in there and she was wanting  
21 him to get her drink that was over there on the table.

1                   And I told Brad, I said, don't get her  
2   drink. I said, you can either stay in your room and  
3   ignore her or you can come up in my room and sleep on  
4   the floor. He chose to sleep on the floor that night.  
5   And then the next day she asked me to leave.

6           Q.     How old was Brad during this time?

7           A.     Let's see -- 12 and a half, 13, something  
8   like that.

9           Q.     You said the next day you were asked to  
10   leave?

11          A.     I was asked to leave. I didn't leave  
12   immediately. I had two horses I had to hurry up and  
13   sell since they were on the property. It took a little  
14   while for me to get out. I got out eventually.

15          Q.     Now, when you left, who was with your  
16   mother other than Brad?

17          A.     Other than Brad. It was just her and Brad.

18          Q.     Do you know what Brad was doing this time,  
19   when you were out of the house?

20          A.     No.

21          Q.     Did your brother have any friends at that

1 time?

2 A. I heard stories of him having friends, but  
3 I never knew any of their names or met any of them.

4 Q. Did you ever try to take your brother out  
5 of the situation once you moved out of the house?

6 A. He came and visited me a few times, but it  
7 was just kind of hanging out to go to laser tag. He  
8 had come to my work. I worked at a pet store and he's  
9 a kid so it is kind of fun for him to hang out in a pet  
10 store, just kind of hang out with me a little bit, but  
11 not long-term.

12 Q. Did there come a time when your mother  
13 decided to move back to Wales?

14 A. Yes.

15 Q. And when was that?

16 A. That was the fall of 2001.

17 Q. How did you feel about your mother and your  
18 brother moving to Wales?

19 A. I was devastated.

20 Q. Why?

21 A. I missed my brother. I was worried that

1 she would lean on him very heavily, like she had always  
2 leaned on me. And I didn't want my brother to go, but  
3 I was, you know, in school and working, and they are  
4 not going to give custody to me.

5 Q. How old were you at that time?

6 A. Let's see -- if he was 13, I would have  
7 been 24.

8 Q. When your brother and mother moved back to  
9 Wales, when was the next time you saw them?

10 A. At my wedding in '04. He was 17.

11 Q. Were your able to spend much time with him  
12 at your wedding?

13 A. No, not due to the wedding, all the wedding  
14 stuff.

15 Q. Did your father come to the wedding?

16 A. He did.

17 Q. Did he have anyone with him?

18 A. He had his new wife and her son.

19 Q. How soon after leaving your mother did your  
20 father remarry?

21 A. It was about a year.

1           Q.     At the wedding did your father spend much  
2 time with your brother?

3           A.     Not that I'm aware.

4           Q.     Did there come a time when you found out  
5 that your brother was actually going to be moving back  
6 to the United States?

7           A.     Yes.

8           Q.     And when was this?

9           A.     That was I think the spring of '05.

10          Q.     How did you feel about your brother coming  
11 back to the United States?

12          A.     I was excited, because I wanted to be  
13 around him. But I was a little worried because he was  
14 going to move back in with my dad. They hadn't been in  
15 the same household for years and the whole step mom  
16 situation.

17          Q.     Why were you worried about that?

18          A.     It was just my step mom and my dad and I  
19 was worried about him. She didn't like me, so I'm  
20 assuming she wouldn't like having another woman's child  
21 in her house.

1 Q. Did that prove to be true?

2 A. Yes.

3 Q. How long did your brother live with your  
4 father before he was kicked out of the house?

5 A. I think it was about a year. I'm not sure.  
6 Maybe less than that. I don't know.

7 Q. Do you know where your brother went after  
8 being kicked out of the house?

9 A. He lived with me just for a couple days and  
10 then he left again.

11 Q. Why did he only stay with you for a couple  
12 of days?

13 A. He didn't want to be a burden to me. My  
14 husband and I had a one-bedroom apartment and he was  
15 sleeping on the couch and he didn't want to be a  
16 burden.

17 Q. How old is your brother at this point?

18 A. I think he was 18.

19 Q. Where did your brother go after he left  
20 your place?

21 A. He told me he went to Tulsa.

1 Q. Did you have much contact after he left?

2 A. Periodically I would get hold of him, but  
3 not a whole lot.

4 Q. What I want to do is show you a few  
5 photographs.

6 (Pause)

7 If you would, can you tell us what that  
8 photograph depicts?

9 A. My brother about six months old. We were  
10 living in the hotel in Phoenix. And I found a box and  
11 I was scooting him around on the floor and he was  
12 playing in it.

13 Q. And how about that one?

14 A. He was just playing.

15 Q. Where was that photograph taken?

16 A. That was Phoenix at the rental house. That  
17 was my room in Phoenix and he was hanging out in there  
18 playing on the saddle I had.

19 Q. Is this your room?

20 A. Yeah. I was fileting the horses.

21 Q. And the next photograph?

1           A.     That was my senior prom and then my mom and  
2 little brother and my dad.

3           Q.     At this point your mother, is she  
4 intoxicated at all at this point?

5           A.     She had probably had a little bit to drink.  
6 She has Rosacea on her face and a lot of times one  
7 drink and Rosacea pops out even more. So I'm assuming  
8 she had -- she wasn't intoxicated, but probably giddy.

9           Q.     The next photograph?

10          A.     That's my brother kind of in the front area  
11 of the pasture.

12          Q.     Is this Crescent?

13          A.     Yes.

14          Q.     And how much land did you have in Crescent?

15          A.     We had five acres. It included a pond.

16          Q.     Next photograph.

17          A.     Sorry for the blurriness. I took that with  
18 a new camera. That was out in the pasture -- swing  
19 set -- swinging.

20          Q.     Is this also on the property?

21          A.     Yes.

1 Q. And this photograph?

2 A. That's one of his grade school photos. I'm  
3 not sure what grade that is. Maybe 1st or 2d, I'm not  
4 sure.

5 Q. Did Brad play any sports at that time?

6 A. I don't think so. I don't recall.

7 Q. Do you know why he wouldn't play sports at  
8 that point?

9 A. I didn't play any sports in school so maybe  
10 he didn't play any for the same reason, that driving  
11 back and forth was an inconvenience.

12 Q. How far away was this school from your  
13 home?

14 A. Four miles.

15 Q. This photograph?

16 A. My brother, a new puppy I got and the cat.

17 Q. Where is this photograph?

18 A. This is in Crescent in the yard. He loved  
19 that puppy.

20 Q. This photograph?

21 A. That's another I took of him playing on the

1 computer.

2 Q. How often did Brad play on the computer?

3 A. I mean anytime I can remember from a  
4 certain age on he was at the computer. If he wasn't at  
5 the computer, he was in his room playing Legos or the  
6 computer.

7 Q. And this photograph?

8 A. That's my wedding. That was in Vegas  
9 December of '04. I hadn't seen him in years so --

10 Q. Why did you choose Vegas?

11 A. Well, we had a lot of people flying in and  
12 we thought people that would fly in would rather fly  
13 into Vegas than Oklahoma City. And my husband was in  
14 law school and he wanted to get married during break.  
15 We didn't want to wait for the summertime. So we  
16 couldn't book anything on such short notice, we were  
17 only engaged six months, and in Vegas they could book  
18 it. And it was New Year's Eve, so it was a lot of fun.

19 Q. And this photo?

20 A. That was December of '06 Thanksgiving. My  
21 Aunt Debbie's house.

1           Q.     Casey, I'm handing you Defense Exhibit WWW  
2     for identification. Can you just thumb through that  
3     and tell me if those are the same photographs you just  
4     talked about?

5           A.     Yes.

6           MR. COOMBS: WWW for identification, offer  
7     it into evidence as Defense Exhibit WWW.

8           CAPTAIN OVERGAARD: No objection.

9           THE COURT: WWW is admitted.

10   BY MR. COOMBS:

11          Q.     Have you stayed in touch with your brother  
12     over the years?

13          A.     Periodically, yes.

14          Q.     Have you noticed a change in your brother  
15     over the past three years?

16          A.     Yes.

17          Q.     How so?

18          A.     He has matured. I mean it's amazing how  
19     much he has matured. He's settled down. It's a lot  
20     easier to carry on a conversation with him. I mean he  
21     was so young. Three years is a long time. So he has

1 really matured.

2 Q. What is your hope for your brother's life  
3 now?

4 A. I just hope he can be who he wants to be.  
5 I hope he can just be happy.

6 MR. COOMBS: Thank you. No further  
7 questions.

8 THE COURT: Prosecution.

9 CAPTAIN von ELTEN: No, ma'am.

10 THE COURT: Ms. Major, you are temporarily  
11 or permanently excused -- permanently free to go or  
12 stay in the courtroom.

13 MR. COOMBS: Your Honor, can we have a  
14 ten-minute comfort break?

15 THE COURT: Certainly. Court is in recess  
16 until five minutes to 4:00. 1600.

17 (Brief Recess)

18 THE COURT: Court is called to order. Let  
19 the record reflect all parties present when the Court  
20 last recessed are again present in Court.

21 Mr. Coombs, are you ready to proceed?

1                   MR. COOMBS: Your Honor, Defense calls Pfc  
2 Brad Manning to the stand for an unsworn statement.

3 BY MR. COOMBS:

4           Q.     Pfc Manning, did you make a determination  
5 that you would like to make an unsworn statement?

6           A.     Yes, sir.

7           Q.     Was that your decision?

8           A.     Yes, sir, it was.

9           Q.     Have you prepared something that you would  
10 like to say?

11          A.     Yes, sir.

12          Q.     Please.

13          A.     First, Your Honor, I want to start off with  
14 an apology. I'm sorry. I'm sorry that my actions hurt  
15 people. I'm sorry that it hurt the United States.

16                   At the time of my decisions, as you know, I  
17 was dealing with a lot of issues, issues that are  
18 ongoing, and they are continuing to affect me.  
19 Although they have caused me considerable difficulty in  
20 my life, these issues are not an excuse for my actions.  
21 I understood what I was doing and the decisions I made.

1     However, I did not truly appreciate the broader effects  
2     of my actions.

3                 Those effects are clear to me now through  
4     both self-reflection during my confinement in its  
5     various forms and through the merits of sentencing  
6     testimony that I have seen here.

7                 I'm sorry for the unintended consequences  
8     of my actions. When I made these decisions, I believed  
9     I was going to help people, not hurt people. The last  
10    few years have been a learning experience. I look back  
11    at my decisions and wonder how on earth could I, a  
12    junior analyst, possibly believe I could change the  
13    world for the better on decisions of those with the  
14    proper authority.

15                In retrospect I should have worked more  
16    aggressively inside the system. As we discussed during  
17    the Providence statement, I had options and I should  
18    have used these options.

19                Unfortunately, I can't go back and change  
20    things. I can only go forward. I want to go forward.  
21    Before I can do that, I understand that I must pay a

1 price for my decisions and actions.

2 Once I pay that price, I hope to one day  
3 live in a manner that I haven't been able to in the  
4 past. I want to be a better person, to go to college,  
5 to get a degree and to have a meaningful relationship  
6 with my sister, with my sister's family and my family.

7 I want to be a positive influence in their  
8 lives, just as my Aunt Debra has been to me. I have  
9 flaws and issues that I have to deal with, but I know  
10 that I can and will be a better person.

11 I hope that you can give me the opportunity  
12 to prove, not through words, but through conduct, that  
13 I am a good person and that I can return to a  
14 productive place in society. Thank you, Your Honor.

15 MR. COOMBS: Pfc Manning, please resume  
16 your seat.

17 Your Honor, Defense calls Debra Van Alstyne  
18 to the stand.

19 Whereupon,

20 DEBRA VAN ALSTYNE,  
21 called as a witness, having been first duly sworn to

1 tell the truth, the whole truth, and nothing but the  
2 truth, was examined and testified as follows:

3 EXAMINATION BY MR. COOMBS

4 BY MR. COOMBS:

5 Q. Debbie, how long have you lived in Potomac,  
6 Maryland?

7 A. 18 years.

8 Q. And you're married?

9 A. I am married.

10 Q. What does your husband do for a living?

11 A. He's now retired. He was an aeronautical  
12 engineer following.

13 Q. How many children do you have --

14 THE COURT: Just a minute.

15 BY MR. COOMBS:

16 Q. Let's go ahead and back up. You're  
17 married?

18 A. I am married.

19 Q. And what does your husband do for a living?

20 A. He is retired now. He was an aeronautical  
21 engineer for Boeing.

1 Q. How many children do you have?

2 A. I have three.

3 Q. Their ages?

4 A. I have a son who is 28, a son who is 27 and  
5 a daughter who is 25.

6 Q. And do your children still live at home?

7 A. Two of them still at home. One of them is  
8 leaving in a couple weeks to go to graduate school.  
9 The third one is moved out, working and getting married  
10 in November.

11 Q. And what do your children do?

12 A. My oldest son is a marketing representative  
13 for Bogus, a company in Beltsville, Maryland. My son  
14 Chris, he did work with the Aspen Institute. Now he's  
15 going to be starting a masters program at MIT. And my  
16 daughter is on a break from Penn State.

17 Q. And you're an attorney?

18 A. I'm an attorney.

19 Q. Where do you work?

20 A. I work for Fannie Mae.

21 Q. How long have you worked at Fannie Mae?

1 A. 13 years.

2 Q. What do you do at Fannie Mae?

3 A. I'm a securitization lawyer.

4 Q. What is that?

5 A. I do securities work for mortgage loans.

6 So we pool them and securitize them and sell them to  
7 investors.

8 Q. And Ms. Alstyne, you are Brad's aunt?

9 A. I am.

10 Q. And Brad's dad, Brian Manning is your  
11 younger brother?

12 A. Correct.

13 Q. Do you know Brad's mother?

14 A. I do.

15 Q. And what is her name?

16 A. Her name is Susan.

17 Q. And when did you meet Susan?

18 A. I first met Susan when she and Brian  
19 brought case to America for Christmas of 1977. So case  
20 was about a year old.

21 Q. How did your brother meet Susan?

1           A.     My brother was in the Navy and stationed  
2     there in, on the coast of Wales. And he apparently was  
3     shopping at Woolworth's and Susan was in the  
4     Woolworth's and they met there.

5           Q.     Where were you living at the time that you  
6     first met Susan?

7           A.     I was living in Culver City, California.

8           Q.     Can you describe Susan based upon your  
9     initial impression?

10          A.     She seemed like a very nice young lady,  
11     very doting on her baby and she and Brian seemed to be  
12     happy together.

13          Q.     Did you ever visit your brother in Wales?

14          A.     I did.

15          Q.     And when was this?

16          A.     That was in October of 1979. Excuse me.  
17     1978. No, 1979.

18          Q.     Do you recall anything unusual during that  
19     visit?

20          A.     I noticed that -- I thought to me Casey  
21     seemed as though she was a little anemic. I didn't

1 have children but she seemed kind of pale. She had a  
2 lazy eye when she was a baby. And they were supposed  
3 to be getting it fixed and they were going to wait for  
4 the Navy to do that.

5 And they hadn't been able to do it at the  
6 time, which troubled me a little bit. I know it was  
7 difficult for them to take her up to London to get it  
8 done, but seemed like it was something they ought to be  
9 focused on.

10 The other thing I noticed is that they  
11 seemed to -- we were to stay there a couple days and  
12 there was definitely drinking going on. I've never  
13 been really much of a drinker. I didn't think too much  
14 about it. They were young and they weren't driving or  
15 anything, so I didn't think too much about it.

16 Q. Now during that time period did you meet  
17 Susan's family?

18 A. I did.

19 Q. Can you describe her family?

20 A. I only met them the one time. Her mother  
21 had us over for like high tea. I think I met several

1 of her sisters, some of them are older and younger, I  
2 met her brother and assorted cousins, there was a big  
3 group of them. Seems like they weren't, you know, they  
4 didn't have a lot of money but, you know, they seemed,  
5 you know, relatively like a normal family.

6 Q. So from what you saw you said they didn't  
7 seem like they had a lot of money. What did you base  
8 that upon?

9 A. They were living in sort of a row house. I  
10 knew they had all these children and seemed fairly  
11 small for having I think nine children.

12 Q. Did your brother ever move back to the  
13 United States?

14 A. Yes, he did.

15 Q. And when was that?

16 A. That was the following summer. So I guess  
17 early 1980. Summer of 1980.

18 Q. Where did they move?

19 A. They moved to Huntington Beach, California  
20 where we were living at the time.

21 Q. Do you recall any observations that you

1 made when you saw your brother and Susan again in  
2 summer of 1980?

3 A. No. At that time they seemed to be fine.  
4 Although we had just bought a house and it needed  
5 painting. And, you know, we asked them and my other  
6 brother, a bunch of people to come and help us paint.

7 And it seemed to me like there was a lot of  
8 beer being drunk. But, again, you know, I was busy and  
9 I didn't pay that much attention. I'm not a beer  
10 drinker so I didn't really keep track of how much was  
11 being drunk. Seemed like there was a lot being drunk.

12 Q. Did you ever express any concerns to your  
13 brother during the time that he was in California about  
14 the amount of alcohol being drunk?

15 A. No, I didn't. I think I really just didn't  
16 appreciate how much was probably being drunk. Because,  
17 as I said, I didn't really drink much, so I didn't buy  
18 liquor, I didn't really pay attention how much was  
19 being consumed I guess.

20 Q. How long did your brother live in  
21 California?

1           A.     They moved to Oklahoma in the summer or  
2 fall of 1983.

3           Q.     And where did your brother move to?

4           A.     They moved to Crescent, Oklahoma.

5           Q.     Why did he move to Oklahoma?

6           A.     He got a job with Hertz, which was based in  
7 Oklahoma City.

8           Q.     How many people live in Crescent, do you  
9 know, just in general?

10          A.     I'm guessing 1000, maybe 2000.

11          Q.     Did your brother live inside the community?

12          A.     No, they lived in a house outside. He had  
13 visions of like running a small farm, I think --  
14 animals and raise, you know, vegetables and he had  
15 pretty good plans.

16          Q.     How did Susan deal with being in a small  
17 town; do you know?

18          A.     I think it was a problem for her because  
19 she didn't drive and they were several miles outside  
20 town. The nearest neighbors were a ways away. I think  
21 she was fairly isolated. That was very different from

1     what she had been used to.

2                     In Wales, in Hetherford West she had  
3     family, friends everybody walked everywhere, you saw  
4     people all the time. And when they lived in Huntington  
5     Beach, they lived in a nice apartment complex where,  
6     again, Susan had friends, a lot of people around. And  
7     I think she is a fairly social person so I think it was  
8     probably pretty hard for her.

9             Q.     Now did you know what your brother did for  
10    Hertz?

11            A.     I knew he did computer programming at that  
12    point.

13            Q.     Do you know how much traveling your brother  
14    did for his job?

15            A.     I think at that time he didn't do too much.  
16    It was short domestic trips, maybe to another city for  
17    a couple of days.

18            Q.     Did that change over time?

19            A.     Yes, that did change.

20            Q.     And how so?

21            A.     At some point, and I'm not clear exactly

1     when, he started to do international travel. And he  
2     would go, they would be working on a project say in  
3     Rome, and it was going to be a project that might go a  
4     year. So he would go three weeks at a time. Then he  
5     would come home for a week, go back three weeks. That  
6     went on to different exciting cities around the world  
7     for several years.

8             Q.     Did Susan go along with him?

9             A.     No.

10            Q.     How did this impact Susan?

11            A.     You know, I didn't really see much of them  
12     in those days. So I just, you know, I assumed it was  
13     hard on her. My mom would go down and she would say,  
14     oh, Brian is away again. My mom would go visit them.  
15     But, you know, I just knew she was pretty isolated out  
16     there because she didn't drive. And Casey was too  
17     young to drive.

18            Q.     Did you ever speak with Susan on the phone?

19            A.     Once in a while I would talk to her. When  
20     I first started to think that perhaps there was some  
21     kind of drinking problem, she would tend to call in the

1 evening. And it would be pretty apparent that she  
2 wasn't really making a lot of sense on the phone.

3 And so it kind of got to be a joke in, sad  
4 joke, if you want to talk to Susan, call her and call  
5 her during the day. Don't pick up the phone and find  
6 out that it's her on the phone at night.

7 Q. Now did Susan ever come to spend time with  
8 you?

9 A. Yes, they came -- she and Casey came for  
10 about two weeks in late May of 1987.

11 Q. And why was she visiting you during this  
12 time?

13 A. She just wanted to come out and see friends  
14 that she made when she lived there in Huntington Beach.  
15 And I don't think there was any particular reason other  
16 than just to come and see everybody, see my mom and see  
17 all of us.

18 Q. Do you recall anything from this visit  
19 about Susan?

20 A. That visit is when I first really noticed  
21 that there seemed to be a lot of drinking going on by

1 Susan. I was busy. I had two -- she was there for  
2 Christopher's first birthday, so I had a three year  
3 old, one year old, I was working part time.

4 But my husband said to me fairly early on,  
5 you know, I'm buying a 12 pack of beer every day for  
6 Susan. I said, you have got to be kidding. He said,  
7 no, I'm not.

8 And so I sort of started to notice that  
9 actually there was a lot of beer being consumed. And I  
10 didn't really see her with it during the day -- see her  
11 with it at night. Obviously she had to have been  
12 drinking some during the day. She was going through a  
13 lot of beer.

14 Q. And did you talk to Susan about how much  
15 she was drinking?

16 A. No. I didn't. I didn't feel comfortable  
17 doing that.

18 Q. How long did Susan and Casey stay with you?

19 A. Well, the total visit was about two weeks.  
20 They were gone though for three or four days visiting  
21 other friends elsewhere.

1 Q. How old is Casey at this point?

2 A. Casey was 10 or almost 10.

3 Q. Do you recall anything else from this visit  
4 that you found out?

5 A. Well, a friend of the people they had gone  
6 to visit their child drowned the day after they came  
7 back to our house. I do remember that. That was very  
8 traumatic. I do remember Susan being on the phone  
9 saying, I don't know what to say, I don't know what to  
10 say.

11 But other than that, that was the end of  
12 the trip. That was kind of traumatic for all of us.  
13 The couple and their children had just been at our  
14 house the day before dropping off Susan and Casey. And  
15 then this little child was dead. So that was pretty  
16 traumatic. Casey was pretty upset about it. Susan was  
17 pretty upset about it obviously.

18 Q. Once Susan and Casey left, did you get a  
19 call from your brother shortly thereafter?

20 A. I did.

21 Q. And why was he calling?

1           A.     He called me to say that Susan was  
2 pregnant. And, you know I first said, oh, great. Then  
3 I thought, oh, no. I said how pregnant? He said, oh,  
4 the baby is going to be born in December. I thought to  
5 myself, oh, no, because I knew she had been drinking  
6 really heavily. And she was already probably through  
7 her first trimester.

8           Q.     Once Susan and Casey went back to Crescent,  
9 did your mother ever go there to stay with her?

10          A.     Yes.

11          Q.     And when was this?

12          A.     She would go -- usually once or twice a  
13 year she would go down for a couple weeks. She had  
14 been widowed at that point so she would go down and  
15 visit. She was crazy about Susan. Really loved Susan.  
16 And she would go down and spend time.

17                 And then after Brad was born she went down,  
18 I think probably right after he was born to give Susan  
19 a hand. Because Susan's mother was not able to come  
20 from Wales. So she went down to give her a hand.

21          Q.     And did your brother ever move from

1 Crescent?

2 A. They did. They moved to Phoenix.

3 Q. And why did your brother move to Phoenix?

4 A. He was recruited by U-haul to head up --  
5 they had some plan to do something computerized with  
6 their reservation system and they sought him. And so  
7 they offered him a job so they moved to Phoenix.

8 They rented out the house in Crescent  
9 because he wasn't sure it would work out.

10 Q. Did you see your brother and family during  
11 this time?

12 A. They came over a couple of times. They  
13 came over once, I think it was for my mother's 70th  
14 birthday. So that would have been 1989.

15 Q. Was this the first time you saw Brad?

16 A. I think that was the first time I saw Brad.  
17 The thing I remember from that was the thing that I  
18 talked about and mom and my husband and I all talked  
19 about afterwards, they were still feeding Brad just  
20 baby food. So he was getting on toward two years old  
21 and he was still eating just baby food. Because we

1 said, you know, oh, at that point we had children. We  
2 thought that was very odd and he was so tiny.

3 And said, don't you want to give him, you  
4 know, whatever we were having, chicken, whatever. No,  
5 no, no, he's happy with the baby food. They would buy  
6 those bigger jars of baby food and that's what he was  
7 eating. That and milk.

8 Q. How long did your brother live in Phoenix?

9 A. I think they were there until maybe the  
10 fall of 1990.

11 Q. Where did they go after that?

12 A. They went back to Crescent.

13 Q. Did your brother stay in the same job?

14 A. He went back to Hertz. I don't know if it  
15 was the same job. I think that, whatever job he got at  
16 that point is when he started to really travel  
17 internationally.

18 Q. You indicated that -- well, did you know at  
19 that point whether or not that impacted Susan, when he  
20 was traveling internationally?

21 A. No, not at that point.

1 Q. Did your mother ever go to Crescent and  
2 help Susan during that time period?

3 A. She didn't go right away because she had  
4 remarried. And unfortunately her new husband only a  
5 few months after they were married, he had a massive  
6 stroke. So she stayed home to see him every day for  
7 the year that he passed away in August of '91 and then  
8 she didn't go down again. She made a couple more  
9 trips.

10 Q. How long did your mom stay down in  
11 Crescent?

12 A. She would usually go for two or three  
13 weeks.

14 Q. Did she ever live down there?

15 A. She did. In '93, we moved to the East  
16 Coast and she moved at the same time. She didn't want  
17 to be left in Southern California. Had one brother  
18 there but she wanted to be with her daughter I guess.  
19 But she only stayed here a few months and she decided  
20 she really wanted to be in Oklahoma.

21 Q. And why?

1           A.       She had grown up there. And I think she  
2 wanted to be able to -- she didn't think she would be  
3 able to afford to have her own place in the D.C. area  
4 and she knew she could afford a place in Crescent. So  
5 she moved to Crescent.

6           Q.       And did your mother talk to you at all  
7 during that time period about Susan and the things?

8           A.       She expressed misgivings to me periodically  
9 about, I really worry about Susan. And Brian came and  
10 took us all into Oklahoma City to some grocery store  
11 they go to there. And Susan had to stock up basically  
12 for like a month.

13                   But then, when my mother lived there, she  
14 brought a car. And so my mother would then go to the  
15 local grocery store or take Susan grocery shopping and  
16 Brian was away. So she was trying to help her cope.

17                   I don't know that my mother was ever, I  
18 don't know she was ever really aware of the amount of  
19 drinking that was going on. Because my mother wasn't  
20 really much of a drinker. I'm not sure, I just don't  
21 know whether she really knew what was going on.

1           The one thing she did say after Brad was  
2 born, or when he was little, was that Casey seemed to  
3 be having to do an awful lot. She said, I don't know  
4 what's wrong with Susan. She doesn't get up in the  
5 morning.

6           Casey goes in and brings her cup of tea  
7 first thing and, you know, and Casey takes care of the  
8 Brad. I hope Casey doesn't end up resenting Brad  
9 because she's having to take care of him so much.

10          Q.     How long did your mother stay in Crescent?

11          A.     She went down there in November of '93.  
12 And she came back in to this area in I think the fall  
13 of '96, I think.

14          Q.     Why did she move back?

15          A.     It wasn't completely clear. She actually  
16 came for a visit. And she stayed with us for a couple  
17 weeks. And then she said to me, you know what, I don't  
18 really want to go back. And I said, you don't want to  
19 go back? And she said, no, I don't really want to go  
20 back. I like the medical care here better. I think i  
21 would be better off here, stay with you for a while and

1 figure out what I'm going to do. I said, okay. So she  
2 did. She stayed and after that she lived with us.

3 Q. Did there come a time when your brother and  
4 Susan divorced?

5 A. They did.

6 Q. And when was that?

7 A. It must have been in maybe '99. They had  
8 come up to visit us, Brian, Susan, Casey and Brad had  
9 came up to visit us. I think it was the summer of '98,  
10 when my brother Jim had come out from the West Coast.  
11 It would have been in '99, I think.

12 It's not like I heard from them much. I  
13 think my mother went back down maybe one more time to  
14 help pack up her stuff. But we really weren't talking  
15 a lot. But at some point I did hear that.

16 Q. And did your brother remarry?

17 A. He did.

18 Q. And when was that?

19 A. I'm not really sure exactly when he got  
20 remarried. It was a fairly short time after the  
21 divorce. I don't know exactly when.

1 Q. Did you know the second wife?

2 A. I didn't know her at the time.

3 Q. Did you come to know her?

4 A. I did come to know her a little bit.

5 Q. And how would you describe her?

6 A. She was extremely devoted to her son and  
7 she really didn't seem to have much feeling for anyone  
8 else except with the possible exception of Brian. She  
9 was very cold, cold person.

10 Q. Now how did Susan think of the divorce?

11 A. I think she took it pretty hard.

12 Q. Why do you think that?

13 A. Because I did hear from Susan a couple  
14 times when the divorce was going through. She called  
15 me with questions about, you know, what her lawyer had  
16 told her. And did that sound right. And I would say,  
17 well, I don't do marital law and I don't know anything  
18 about Oklahoma law. But, you know, so how helpful I  
19 could be, but I would tell her what I knew. I could  
20 tell she was upset. She would say, well, it's going to  
21 be great. And then she would be very, very depressed.

1           Q.     And during that time period who was taking  
2     care of say the bills, monthly bills and checks and  
3     stuff like that?

4           A.     I don't know. I don't know that Susan knew  
5     how to write a check so -- I don't assume it was Casey  
6     or Brad.

7           Q.     Did there come a time when Susan moved back  
8     to Wales?

9           A.     Yeah. We got a call in the fall of 2001  
10    saying that they were going to move back and they were  
11    booking their flight through Washington so that they  
12    could, since they had to go through some major city to  
13    get a good flight anyway, they thought they would come  
14    and visit for a couple days. So she and Brad came --  
15    it was actually right around Thanksgiving in 2001.

16          Q.     Did you have much contact with Susan and  
17    Brad after this point?

18          A.     No. I would call occasionally and, you  
19    know, as I said, by then I had learned to try to, there  
20    is a time difference, and figure out on the weekend  
21    when I could call, when it would be, I could catch her

1     what I kind of thought was her good times. And no, I  
2     didn't hear from them much.

3             Q.     When was the next time you saw Brad?

4             A.     I saw Brad when he came to the U.S. for  
5     Casey's wedding. That was in December of 2004.

6             Q.     And what do you recall from that wedding?

7             A.     Well, first, I thought it was odd that he  
8     was coming to us rather than to his father. Because  
9     they were all going to fly up from Oklahoma City to Las  
10    Vegas. We were going to fly from Washington to Vegas.  
11    Seemed kind of odd to me that he wasn't going with his  
12    father.

13                    But I assumed that he didn't want to go  
14    with his father. So his father said, Brad is going to  
15    come and go with you guys. Is that okay? I said,  
16    sure. He paid for it. But I thought it was odd that  
17    Brian didn't say, oh, yeah, he's going to go with us.

18             Q.     Did you notice whether or not Brad and his  
19    father spent much time together during the wedding?

20             A.     They didn't. Brad -- we got there on the  
21    day before the wedding. We met my other brother

1 Michael and his wife and daughter. And we walked  
2 around. And at some point late that afternoon, maybe  
3 4:00 or so, we met Brian and Susan and her son Dustin  
4 at, there was some kind of little, like a food court or  
5 something along the strip. And we met them there.

6 And that was the first time Brian had even  
7 checked to make sure that Brad had shown up. And he  
8 came in and he said to Brad, oh, you have a sports  
9 coat? Brad said, no, I don't. And he said, let me go  
10 get you a sports coat. So he went off to get sports  
11 coat leaving Susan and Dustin there with the rest of  
12 us.

13 And that was very uncomfortable because she  
14 clearly was not comfortable, was not happy she had been  
15 left there. So they came back. That evening Brad was  
16 with us. And then the next day was the wedding in the  
17 afternoon.

18 And after the wedding was over Brian said,  
19 I'll take Brad for a while and we'll visit. Okay. So  
20 the rest of us went and had an early dinner. Then we  
21 were walking around in Vegas, which was difficult,

1 because to be in Vegas on New Year's Eve when you're  
2 with underage people, there is not much you can do.  
3 You can't walk in most places. It's pretty difficult.

4 Anyway we were walking around and my phone  
5 rang. It was Brian. He said Brad is ready to come  
6 back. This is maybe 8:00. So I said, okay, we'll meet  
7 you somewhere. We got Brad. And Brian took off,  
8 wherever.

9 And we said to Brad, oh, what did you do  
10 for dinner? And he said, oh, I didn't eat. And I  
11 said, your father didn't feed you? And he said, no, he  
12 didn't feed me.

13 So we eventually got in the car and drove  
14 to a McDonald's. I guess you couldn't walk in anywhere  
15 to get food. We went and got McDonald's for him and he  
16 spent New Year's Eve with us. And also the next day  
17 Brian didn't see him again.

18 And so, and then he stayed with us another  
19 week or so before he had to get back to finish school.

20 Q. And did Brad ever move back to the United  
21 States?

1           A.     He did.

2           Q.     And when was that?

3           A.     The late spring of 2005.

4           Q.     And where was Brad intending to move?

5           A.     Well, he called me and said he was moving  
6 back. I said, oh, do you want to come and stay here?  
7 He said, no, no, I'm going to live with dad in Oklahoma  
8 City. I said, Brad, do you think that's a good idea,  
9 because you know how you and your dad don't really get  
10 on. He said, no, no, it will be okay. Dad said it is  
11 going to be fine, it will work out. I said, okay. So  
12 he went to Oklahoma City.

13          Q.     And did that work out?

14          A.     No, it did not.

15          Q.     When was the next time you heard from him?

16          A.     I didn't really hear anything. I didn't  
17 know what was going on. And then over the 4th of July  
18 weekend of, I guess it would have been 2006, I came  
19 home, I think it was on Saturday, and I found a message  
20 from Susan, you know, voice mail, saying, Debbie, can  
21 you help Brad. He's stranded in Chicago. He needs

1 money. I don't know what to do. Call me. So I called  
2 her.

3 And she didn't really know much more than  
4 that. He had a cell phone. So I got his cell phone  
5 number and I called him. He said, I'm okay, I'm okay.  
6 I said, how much money do you have? And he said he had  
7 \$25. I said, Brad, \$25 is not enough. Where are you?  
8 I'm in my truck, I'm staying on a driveway of some  
9 buddy I met.

10 I said, well, I'm going to send you some  
11 money. If you decide you need a place to stay, you can  
12 come here. I wired him some money. And then the next  
13 night he, you know, I got a phone call saying, I'm in  
14 Rockville. How do I get to your house?

15 Q. He had driven that night?

16 A. He had driven, yes.

17 Q. Were you surprised to hear from him at that  
18 point?

19 A. I was surprised but I was relieved.  
20 Because I was really worried about him.

21 Q. How did Brad look when you saw him?

1           A.     He looked totally just exhausted, strung  
2 out, just like he was -- super hyper, but just -- you  
3 could tell he was almost at a breaking point.

4                     He got to the house and it was only me and  
5 the two boys. Dick was away at his folks' house. I  
6 said, we were just going to get something to eat.  
7 Let's go get something to eat. And at dinner, we went  
8 to Fridays or somewhere, and he said, I'm going to go  
9 get a job tomorrow.

10                    And I said, no. Here's what you are going  
11 to do tomorrow, Brad. What you're going to do tomorrow  
12 is, you're going to sleep in. And what you're going to  
13 do for the next week is you're going to do nothing.

14                    You're going to do absolutely nothing.  
15 You're sick. You're going to watch TV, you're going to  
16 sleep, you are just not going to do anything. I don't  
17 want you to look for a job. I don't want you to do  
18 anything. I just want you to rest.

19           Q.     Why did you say that?

20           A.     Because I felt that he was so close to a  
21 breaking point at that point. I didn't know -- I was

1 really worried about him. I wanted him to rest and  
2 eat. He just looked like he hadn't eaten. He just  
3 looked awful.

4 Q. And how did Brad respond to that?

5 A. Well, at first he was like no, no. And I  
6 said, no, I really insist you have to do this. And so  
7 he did. So he did. He took it easy for probably a  
8 week or two.

9 Q. Did he improve in time?

10 A. He did.

11 Q. And did you try to help him after that  
12 point?

13 A. Yeah. Well, then he said, I was working  
14 but I came home one evening and he said, I got a job.  
15 And I said, oh. He said, I got a job at Starbucks.  
16 You know, that's great. That's a good. And he was  
17 very excited about it. And I felt better about it. He  
18 was only work part time. He was hoping to go, to maybe  
19 to go to community college in the spring, he wanted to  
20 get some money put away.

21 Q. Once he started working at Starbucks, how

1 would you describe that time period for Brad?

2 A. He seemed to be doing pretty well. He  
3 liked Starbucks. He was very responsible. I remember  
4 the first time he told me one evening, so tomorrow I  
5 have to go in, it's my first morning rush hour. I have  
6 to be there at 5:30.

7 I said, oh, oh. So I was thinking about my  
8 own kids. So at 5:00 the next morning I got up to make  
9 sure that he was up. And, you know, he was already  
10 gone, you know, and I realized this is not a kid who  
11 needs any looking after. He looks after himself  
12 because nobody ever looked after him.

13 So he worked there. I think they liked  
14 him. He worked there for a long time. I know he  
15 made friends. I never saw any of the friends. He  
16 didn't bring people over, but he would go out with  
17 people.

18 Q. How would you describe Brad, as far as kind  
19 of a personality development at that point?

20 A. Well, he was still pretty young. I mean he  
21 was -- 2006 -- he was what, 18, turning 18 and a half

1 or so. He is a hyper person. At that point very hyper  
2 person.

3 But he was very alert. He followed things  
4 in the world. He liked to talk about what was going on  
5 in the world. He liked to talk about current events.  
6 He followed things. I think the thing that I noticed  
7 the most was, it was hard to get him to sit down for  
8 meals. He always wanted to eat at McDonald's. And he  
9 lived on caffeinated beverages. I used to say, Brad,  
10 you wouldn't be so hyper if you would just cut back on  
11 the caffeine. But he did love his caffeine.

12 Q. Did Brad ever try to go to college?

13 A. He decided to try to go in the spring  
14 semester, so that would have been January to May of  
15 2007. So he went over to Montgomery County. He  
16 registered for like a half load because he was going to  
17 be working. He was trying to get a loan to pay for the  
18 tuition. It wasn't a lot, but he didn't have much  
19 money.

20 And Brian had to fill something out. And  
21 Brian didn't want to fill it out. He called me -- what

1 is this? Why do I have to fill this out? Why are they  
2 asking me to fill this out. I said, Brian, everybody,  
3 every parent has to fill this out for their kid. This  
4 is what you have to do.

5 He was not happy about it. He didn't want  
6 to fill it out. So we advanced him the money. And it  
7 took all semester for him to get whatever, you know,  
8 \$1,000 or whatever it was for the tuition. It finally  
9 came through basically at the end of the semester.

10 Q. And how did Brad take to being in college?

11 A. Well, he really liked it. He was very  
12 excited about it. But what I noticed was he didn't  
13 realize how much work college was. He thought he could  
14 still work, you know, probably 25 to 30 hours a week  
15 plus, you know, take maybe 10, 12 hours of classes.

16 And I said to him, you know, in college,  
17 you were smart and you did well in school, probably got  
18 by doing the reading. You're not going to be able to  
19 do that in college. He really didn't listen to me. He  
20 was like every other, like my own kids, teenagers, they  
21 know everything and you don't know anything. So I

1 think as time went on, I think he started to get behind  
2 in school.

3 Q. And eventually did Brad ever come to you  
4 and say that he was deciding or had decided to join the  
5 Army?

6 A. He came to me -- well, it must have been  
7 September of 2007. He called me. I was at the office.  
8 He called me and he said, can you and I go out to  
9 dinner tonight, just the two of us? I said, sure.  
10 Why? He said, I just want to talk to you about  
11 something, just the two of us. I said, sure, okay,  
12 where do you want to go? He said, I'll meet you up at  
13 the -- there is a diner. I'll meet you at the diner.  
14 I said, okay.

15 So we went there. And almost right after  
16 we sat down he said, I joined the Army. And I said,  
17 you what? He said, I'm joined the Army. I said, Brad,  
18 I don't think that's a good fit for you, I really  
19 don't. I mean I don't think the Army is a good fit for  
20 you. You're not -- and he said, I'm already in. I'm  
21 going to go in ten days or whatever it was. So I sort

1 of shut up because, if he was going, there wasn't  
2 anything I could do about it. I was not happy about  
3 it.

4 Q. And why were you not happy about it?

5 A. Because he was a hyper kid. I couldn't  
6 really see how he was going to adjust to Army life.  
7 And also, he's so small, you know, I just didn't see  
8 how he was -- he would be picked on, you know, harassed  
9 because he was small.

10 He actually was, that whole week or  
11 whatever it was, ten days before he went, he was trying  
12 to gain weight so he would meet the weight requirement,  
13 whatever it was, 109 pounds or something. He was  
14 trying to gain weight. Which I was very envious of but  
15 he was really, really small.

16 Q. Did Brad tell you why he wanted to join the  
17 Army?

18 A. He wanted to join the Army because he  
19 wanted the GI bill. I had spent a year telling him  
20 how, as a Maryland resident, he could go to college  
21 pretty inexpensively, and he could borrow what he

1 needed and he could get a small part-time job and he  
2 could do it.

3 And he just, every time I think I had him  
4 almost convinced, he would talk to his father, who  
5 would tell him, oh, the only way to do it is the GI  
6 bill. The only way. That's what I did and that's what  
7 you got to do. And he listened to his father.

8 Q. Now, when did Brad leave for basic  
9 training?

10 A. I think it was around -- October I think of  
11 2007. I'm not exactly sure.

12 Q. How did he do in basic training, do you  
13 know?

14 A. I think the first few weeks it was okay. I  
15 got a call saying he was hurt and they thought he was  
16 malingering or something. He was explaining what had  
17 happened, he was trying to see a neurologist so that  
18 they'll know I'm not, that I'm hurt. And eventually he  
19 did get to see a neurologist and he had done something,  
20 when he wasn't learning to fire the guns or something,  
21 that the recoil or something, it hurt his arm or

1 something. I don't remember what it was.

2 So they said, okay. He said I want to do  
3 basic training again. So it was right around the  
4 holidays. So he came back here, spent Christmas here.  
5 And he was going back.

6 At that point -- my understanding was at  
7 that point he could have said, you know what, I'm not  
8 going to come back, I'll take whatever discharge, I'm  
9 not going okay, I'm not medically okay.

10 But he really wanted to go back. He talked  
11 to his father. He talked to my brother Michael. And  
12 they said, you have got to go back. And he thought  
13 that was the right thing to do. So he went back and  
14 did basic training over again.

15 Q. How did Brad do the second time in basic  
16 training?

17 A. I think he did okay. I went down for his  
18 graduation. His father was there.

19 Q. How did Brad look at that point to you?

20 A. He looked okay. He, again, seemed hyper.  
21 He had put on weight. I noticed at Christmastime he

1 had filled out. He seemed to be in better physical  
2 condition. He seemed, you know, seemed excited about,  
3 you know, that he was getting closer to new training  
4 facilities.

5 Q. Did you meet any of Brad's friends from  
6 basic?

7 A. No.

8 Q. Did he have any friends in basic?

9 A. I don't know. I don't know. He didn't  
10 mention anybody. Nobody really came up to him and  
11 said, oh, Brad, you know, anything. I mean I was only  
12 there for a few hours, but I didn't see anybody who  
13 really seemed to be a friend.

14 Q. What about at Advanced Individual Training,  
15 AIT. Did he talk to you about that?

16 A. I think I may have heard something once. I  
17 didn't even know when he was graduating. I probably  
18 would have gone to the graduation, but I didn't even  
19 know when it was.

20 Q. And then after Brad went to Fort Drum, did  
21 you have contact with him?

1           A.     Yes. He would call -- he would come down  
2 sometimes. It's a long drive but not impossible. He  
3 would get a ride with somebody and come down for the  
4 weekend. He would come down and stay at the house and  
5 go out and see friends. He seemed to be, you know,  
6 doing okay.

7           Q.     And how did you feel about Brad being at  
8 Fort Drum?

9           A.     He seemed to be fine. He seemed to be  
10 adjusting okay. So I didn't have any particular qualms  
11 about it. I knew that they were training for  
12 Afghanistan, I think and then they changed it to train  
13 for Iraq. But I didn't have any particular concerns.

14          Q.     Did you know whether or not Brad was seeing  
15 anyone, dating anyone during this time period?

16          A.     No, I didn't know what was going on with  
17 Brad.

18          Q.     And when he mentioned that he was going to  
19 deploy to Iraq, what did you think about that?

20          A.     Obviously I was worried about it. He would  
21 explain to me how this was going to be very safe where

1 he was going to be. And that you weren't really a  
2 soldier, if you didn't deploy, if you didn't go down  
3 range. You had to do that to be a soldier.

4 And I guess there is some kind of a bar or  
5 something you get, some patch, I don't know what, you  
6 get something if you had gone, and you could tell at a  
7 glance if somebody had gone. He really wanted to have  
8 that to show that he was a soldier.

9 Q. Did he seem nervous about deploying?

10 A. He seemed more excited.

11 Q. During the deployment did you hear much  
12 from him?

13 A. I think he may have called once or twice.  
14 I kind of followed him on Facebook a little bit. He  
15 called sometime before Christmastime because, and I  
16 asked if there was something he wanted. He wanted some  
17 stuff that would remind him of home, Washington and  
18 Maryland. So I went out to try to find things. It's  
19 not that easy to do unless you go to the airport or  
20 downtown to a souvenir store. So I made up a package  
21 of stuff and sent that off to him. I think the next

1     thing I heard from him was that he was coming home on  
2     leave.

3             Q.     And how did Brad appear to you when he came  
4     back for his military leave?

5             A.     He seemed a little bit subdued, but he was  
6     exhausted. So he slept most I think of that first 24  
7     hours he was home. It was hard for me to tell then.  
8     Really right after that I think he left for Boston. He  
9     said, I'm going to go to Boston to meet some friends.  
10    I said, oh, okay.

11            Q.     Did you talk to him much during this time?

12            A.     He went up to Boston. He came back. He  
13    was seeing friends. He wasn't around that much.  
14    Again, he had been self-sufficient for so long. I  
15    didn't want to pry into his life. If he volunteered  
16    something, I would have taken care of. But it was more  
17    like it was with my own children where they don't tell  
18    you a lot about what's going on in their lives unless  
19    they want. And if you ask them how everything is, they  
20    say, everything is fine, it's all fine. Everything  
21    okay? Yep.

1           Q.     Did Brad ever share with you that he was  
2     gay?

3           A.     No. Well, at least not then. At some  
4     point he did. At some point I kind of figured it out.  
5     But he may have told me at some point this is why I  
6     have friends in the Army.

7           Q.     Now when did you find out that Brad had  
8     been arrested?

9           A.     I came back -- I was at the office. I came  
10    back from lunch. I remember the date because it was my  
11    daughter's birthday. I picked up a voice mail from  
12    someone who said he was a reporter at Wired. And he  
13    just said, do you know that your nephew has been  
14    arrested in Iraq for, and I remember what he said and I  
15    can't remember what his name was.

16                   And so he left me a phone number. And so  
17    the first thing I do, I Googled to see if, in fact, he  
18    was who he said he was, there was such a person at  
19    Wired, and the phone number matched. It did. So I  
20    called him back. And he just said there was a video  
21    and Brad had been arrested and charged with releasing

1 this video.

2 Q. When you heard about that, what did you  
3 think?

4 A. I was just -- totally shocked. Just  
5 totally and completely shocked.

6 Q. When was the first time that you heard from  
7 Brad after that?

8 A. It must have been -- it was sometime the  
9 next week. Because I think I heard from Captain  
10 Bouchard before I heard from Brad.

11 Q. And Captain Bouchard was?

12 A. I guess he was his counsel there in Iraq or  
13 maybe Kuwait at that time. He called me to make sure I  
14 knew and to just, you know, see if I had any questions.  
15 I asked him some questions. What I remember about  
16 this, especially that first week or so, is just being  
17 kind of in a state of fait accompli, sort of stunned.

18 My son Christopher and I had made plans to  
19 go up to Philadelphia to see (inaudible). I remember  
20 we were just up there at the same hotel this weekend  
21 and it just brought back all these memories of being up

1     there. And I felt almost like it was a dream, that  
2     this was all going to go away, you know, because I just  
3     couldn't believe it.

4             Q.     When was the next time you actually laid  
5     eyes on Brad and saw him?

6             A.     It would have been -- it was late August or  
7     early September at Quantico.

8             Q.     And how did he look when you saw him at  
9     Quantico?

10            A.     He looked pale, thin, just, you know,  
11     didn't look good.

12            Q.     And how difficult was this time for you  
13     when you saw him?

14            A.     It was very difficult. I mean obviously  
15     everything we would say was monitored and all that. I  
16     just said to him, are you okay? Of course, he said,  
17     I'm fine. I'm fine. Everything all right? I'm fine.  
18     I'm fine.

19                    But especially the very first was  
20     especially difficult because apparently there was going  
21     to be some demonstrations, security was extremely

1 heavy. A friend had came down with me and they  
2 wouldn't even let her wait or anything.

3 She had to leave the base and come back and  
4 pick me up. I couldn't call her because I shouldn't  
5 have my phone. After that it was never as severe.  
6 That first time it was really, really tough.

7 Q. Did Brad ever complain to you about his  
8 treatment?

9 A. No.

10 Q. And from what you saw did you need to cheer  
11 Brad up during this time?

12 A. Well, I would try. We would talk about,  
13 you know, maybe we would talk about what was going on,  
14 like family stuff or kind world events. And by the  
15 time I would get down there and go through security and  
16 we would have maybe an hour to an hour and 20 minutes  
17 or so.

18 And so mostly it was just sort of books. I  
19 would bring -- maybe I would bring Chris down or Rob  
20 down and they would talk about, you know, things they  
21 are all interested in. They debate a lot more than I

1 do. So they would debate on issues of the day. That  
2 kind of thing.

3 Q. Did you ever recall telling me that it  
4 seemed like Brad was trying to keep you positive when  
5 you came to visit him?

6 A. Yes, I do remember that. By this point I  
7 was starting to hear things about the treatment at  
8 Quantico. I would say, are you sure everything is  
9 okay? I'm okay. I'm okay. Everything is fine, you  
10 know. Everything is fine.

11 Q. Did you notice a change in Brad over the  
12 last three years?

13 A. Oh, yes.

14 Q. How so?

15 A. He's a lot calmer. He seems much more like  
16 a grownup. He listens a lot more than he used to. He  
17 seems to be more, sort of appreciate more what he has.  
18 And I think he understands now that there are people  
19 who love him and care about him. I'm not sure he was  
20 really convinced of that before. I think he is  
21 realizing that now. And I think that's a big change.

1                   I think he has found out that there are  
2 people that if he needs something and he asks for it,  
3 would give it, see that he gets it, which I think was a  
4 very big change for him. He just seems a lot more  
5 mature.

6           Q.       What's your hope for Brad's life now?

7           A.       I hope that at some time in the future he  
8 can go out and have a real life again and really have a  
9 good life. Because I feel like he just had such  
10 terrible start to his life and struggled to overcome,  
11 you know, what was going on.

12                   He kind of got to a certain point and then  
13 obviously things just got too much for him. Seems like  
14 at some point he can go out and have a good life and  
15 get his education and do the things that he really  
16 wants to do be able to contribute because I think he's  
17 got a lot to contribute.

18           Q.       Do you have any requests of Colonel Lind,  
19 as she decide what would be an appropriate sentence in  
20 this case?

21           A.       I just hope that she takes into account

1     that he had a very hard start to his life. He worked  
2     very hard. He's a good person. He cares about people.  
3     And I think he thought he was doing the right thing at  
4     a time when he really was not, I think, thinking  
5     clearly at all.

6                 MR. COOMBS: Thank you.

7                 THE COURT: Cross examination?

8                 CAPTAIN von ELTEN: No, Ma'am.

9                 THE COURT: Mrs. Alstyne, you are  
10     permanently excused. You are free to go or you can  
11     stay here.

12                (Witness Excused)

13                MR. COOMBS: Your Honor, the Defense rests.

14                THE COURT: All right. At this time why  
15     don't we take a brief recess. And let the Government  
16     and the Defense to confer. I know the Government has  
17     advised me earlier that they want some time to think  
18     about that they were going to put on and when you want  
19     to request to do that. So how long of a recess do we  
20     need to come see me and let me know?

21                CAPTAIN von ELTEN: Ten minutes, Your

1 Honor.

2 THE COURT: Why don't we go ahead and  
3 reconvene at five minutes after 5:00. Court is in  
4 recess.

5 (Brief Recess)

6 THE COURT: (inaudible) where I discuss  
7 logistics and scheduling issues and other issues that  
8 might arise in the cases. The parties have conferred  
9 and we will close and the next session will be Friday  
10 at 1300 or 1:00.

11 Is there anything else we need to address  
12 before we recess Court?

13 (Court recessed for the day at 5:08 p.m.)  
14  
15  
16  
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20  
21

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